SENATE_	state	Admin
Exhibit No	2	
	4-4-2	011

Selected records from Board of Architecture compliance file SR 25 Re investigation of unlicensed practice by John Sinrud

Date	Description	
	MCA provisions re architecture	
	DLI / BSD unlicensed practice complaint process	
7/16/07	Minutes of the Board of Architecture	
	moves to initiate investigation	
10/15/07	Minutes of the Board of Architecture	
	moves to issue a cease and desist- Bayliss Ward recused himself	
2005-06	Minutes of the Board of Architecture	
2007-08	Minutes of the Board of Architecture	
3/23/07	Letter from staff to Mr. Sinrud requesting a response to the complaint	
3/26/07	File memo from staff re tele. conf. with Mr. Sinrud	
Undated	Letter from Mr. Sinrud to staff replying to complaint	
7/6/07	Letter from staff to Mr. Sinrud announcing the agenda for 7/16/07 meeting	
7/19/07	Letter from staff to Mr. Sinrud announcing investigation into unlicensed	
	practice and requesting a response.	
7/19/07	File memo from staff responding to request for audio recording of 7/16/07	
	meeting	
7/26/07	Letter from Mr. Wittich seeking additional information about complaint	
7/30/07	Letter from Mr. Gorov (deputy chief legal counsel) to Mr. Wittich describing	
	complaint investigation process	
8/29/07	Letter from Mr. Wittich to investigator	
9/11/07	Letter from staff to Mr. Wittich announcing 10/15/07 Board meeting	
10/15/07	Cease and Desist	
10/18/07	Letter from Mr. Wittich to Mr. Gorov re cease and desist	
11/08/07	Media Contact Submission form by Mr. Gorov after contact by Mr. Sinrud	
11/09/07	E-mail from Mr. Gorov to Division Administrator, Mike Cooney	
11/15/07	Letter from Mr. Gorov to Mr. Sinrud	
12/5/07	Letter from Mr. Wittich to Mr. Gorov requesting transcription	
12/19/07	Letter from Mr. Wittich to Mr. Gorov seeking all complaints of unlicensed	
	practice presented to the Board within the past 10 years.	
12/21/07	Letter from Mr. Gorov to Mr. Wittich supplying table of unlicensed practice	
	complaints	

Montana Code Annotated Statutes Pertaining to Architecture

37-1-317. Practice without license -- investigation of complaint -- injunction -- penalties. (1) The department shall investigate complaints or other information received concerning practice by an unlicensed person of a profession or occupation for which a license is required by this title.

- (2) (a) Unless otherwise provided by statute, a board may file an action to enjoin a person from practicing, without a license, a profession or occupation for which a license is required by this title. In addition to the penalty provided for in 37-1-318, a person violating an injunction issued pursuant to this section may be held in contempt of court.
- (b) A person subject to an injunction for practicing without a license may also be subject to criminal prosecution. In a complaint for an injunction or in an affidavit, information, or indictment alleging that a person has engaged in unlicensed practice, it is sufficient to charge that the person engaged in the unlicensed practice of a licensed profession or occupation on a certain day in a certain county without averring further or more particular facts concerning the violation.
- (3) Unless otherwise provided by statute, a person practicing a licensed profession or occupation in this state without complying with the licensing provisions of this title is guilty of a misdemeanor punishable by a fine of not less than \$250 or more than \$1,000, imprisonment in the county jail for not less than 90 days or more than 1 year, or both. Each violation of the provisions of this chapter constitutes a separate offense.
- (4) The department may issue a citation to and collect a fine, as provided in 37-68-316 and 37-69-310, from a person at a job site who is performing plumbing or electrical work and who fails to display a license or proof of licensure at the request of an employee of the department who bears responsibility for compliance with licensure requirements.

37-65-101. Purpose. It is hereby declared, as a matter of legislative policy in the state of Montana, that the practice of architecture is a privilege granted by legislative authority and is not a natural right of individuals and that it is necessary, as a matter of such policy and in the interests of the health, safety, and welfare of the people of Montana, to provide laws covering the granting of that privilege and its subsequent use, control, and regulation for the purpose of protecting the public from the unprofessional, improper, unauthorized, and unqualified practice of architecture.

37-65-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

- (1) "Architect" means an individual who is technically and legally qualified to practice architecture and who is authorized under this chapter to practice architecture.
 - (2) "Board" means the board of architects and landscape architects provided for in 2-15-1761.
 - (3) "Building" means a structure intended primarily for human occupancy or use.
- (4) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.
- (5) "Practice of architecture" means any professional service or creative work requiring the application of advanced knowledge of architectural design, building construction, and standards and

involving the constant exercise of discretion and judgment in those activities, in which the safeguarding of life, health, or property is concerned, as consultation, investigation, evaluation, planning, design, or inspection of construction for any public or private building.

- (6) "Public building" means any building that the state or any political subdivision of the state maintains for the use of the public.
- **37-65-103.** Exemptions. (1) This chapter does not prevent drafters, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this chapter from acting under the instruction, control, or supervision of their employers or to prevent the employment of superintendents of the construction, enlargement, or structural alteration of buildings or any appurtenance to buildings.
 - (2) This chapter may not be construed to:
- (a) apply to alterations to any building that do not involve changes affecting the structural safety of a building or the public health;
- (b) prevent the preparation of details and shop drawings by persons other than architects for use in connection with the execution of their work; or
- (c) prevent the preparation of drawings or details for fixtures, cabinetwork, furniture, or other interior appliances or equipment or for any work necessary to provide for installation unless the drawings or installation involves public health or safety.
- (3) The acts enumerated in subsections (1) and (2) may not be interpreted or construed as the practice of architecture.
- (4) This chapter may not be construed to affect or prevent the following, provided that words, letters, figures, or other device may not be used in a manner that tends to convey the impression that the person rendering the service is an architect registered under this chapter:
- (a) consultants, officers, and employees of the United States while engaged solely in the practice of architecture for the United States;
- (b) professional engineers from performing architectural services that are purely incidental to their engineering practice;
- (c) any person from planning, designing, altering, repairing, supervising, or engaging in residential construction consisting of less than eight living units regardless of size or cost or farm buildings that are not intended for use or used as a public building;
- (d) the planning, design, alteration, construction, repair, or supervision of construction of a building by its owner if the building is not intended for use or used as a public building.
- **37-65-301.** License required. Except as provided in this chapter, a person may not practice architecture in this state or use the title "architect" or "licensed architect" or any words, letters, figures, or other device indicating or intending to imply that the person is an architect, without having qualified under this chapter.
- **37-65-301.** License required. Except as provided in this chapter, a person may not practice architecture in this state or use the title "architect" or "licensed architect" or any words, letters, figures, or other device indicating or intending to imply that the person is an architect, without having qualified under this chapter.

37-65-301. License required. Except as provided in this chapter, a person may not practice architecture in this state or use the title "architect" or "licensed architect" or any words, letters, figures, or other device indicating or intending to imply that the person is an architect, without having qualified under this chapter.

37-65-301. License required. Except as provided in this chapter, a person may not practice architecture in this state or use the title "architect" or "licensed architect" or any words, letters, figures, or other device indicating or intending to imply that the person is an architect, without having qualified under this chapter.

37-65-323. Injunction. Whenever the board has reasonable cause to believe that a person is violating any provision of Title 37, chapter 66, this chapter, or a rule of the board, it may, in addition to the remedies provided in 37-65-322 or 37-66-322, as appropriate, and without prejudice, bring an action in the district court for the county in which the violation is occurring to enjoin the person from continuing to engage in the violation or from doing any act that contributes to the violation.

Unlicensed Practice Complaint Process

Department of Labor & Industry - Business Standards Division PO Box 200513, Helena, MT 59620-0513

When a complaint is received...

- A copy of the complaint and a request for a written response are mailed to the person against whom the complaint was filed (Respondent).
- A written acknowledgment that the complaint has been received is mailed to the person who filed the complaint (Complainant).
- The respondent may submit a letter of response to the complaint. If a written response is not submitted, the complaint process continues without a response.
- The complainant and the respondent are sent written notification of the date, time, and location of any meeting at which the complaint will be discussed.

The Board Meeting

- The complaint and response (if any) are provided to the board members prior to an upcoming board meeting for their review. The board meeting is *not* a hearing, but rather a meeting at which the information provided is considered and discussed by the board. Attendees may observe, but may not participate in the discussion unless asked a direct question by a board member.
- Board meetings are open to the public unless the chairperson determines an individual's right to privacy outweighs the public's right to know. If so, that portion of the meeting will be closed to the public (only the respondent, complainant, and legal counsel for each (if any) may be present).
- The board has the following options regarding complaints of unlicensed practice:
 - o Dismiss the complaint
 - o Request the matter be investigated
 - o Request Board Counsel issue a Cease and Desist or an Injunction

DISMISSAL

If the board dismisses a complaint, the complaint can be dismissed with or without prejudice.

<u>Dismissal With Prejudice</u> - The complaint is dismissed and cannot be considered in the future.

<u>Dismissal Without Prejudice</u> - The complaint is dismissed but may be considered by the board in the future if there are ever allegations of a similar nature.

INVESTIGATION

The board can request an investigation to gather additional information surrounding the allegations made in a complaint. This may involve interviews with the respondent, the complainant, and possible witnesses.

After the investigation has been completed, an investigative report is prepared and presented to the board for consideration at a subsequent meeting.

Following the board's review of the investigative report, a determination is made to either dismiss the complaint or take action in the form of a *Cease and Desist* or an *Injunction*.

CEASE & DESIST / INJUNCTION

The board may issue a Cease & Desist or seek an Injunction.

<u>Cease & Desist</u> - An order of an administrative agency prohibiting a person or business from doing or continuing to do a certain activity.

<u>Injunction</u> - A writ granted by a court prohibiting a person or business from doing or continuing to do a certain activity.

For more information, contact DLI Business Standards Division at 406-841-2300.

MONTANA BOARD OF ARCHITECTS & LANDSCAPE ARCHITECTS

PARK AVENUE BUILDING 301 SOUTH PARK AVENUE 4th FLOOR LARGE CONFERENCE RM #489 HELENA, MONTANA

July 16, 2007

OPEN SESSION MEETING MINUTES

Call to Order

Vice President, Bayliss Ward called the Montana Board of Architects and Landscape Architects Open Session meeting to order on July 16, 2007, at 12:03 noon at 301 South Park Ave, in Helena, Montana.

Board Members Present

Mr. Bayliss Ward, Architect, Vice President

Mr. John Fontaine, Public Member, Secretary

Mr. Jim Shepard, Architect

Ms. Maire O'Neill, Architect

Staff Present

Ms. Darcee Moe, Board Counsel

Mr. Todd Boucher, Executive Officer

Ms. Brooke Jasmin, Program Manager

Ms. Vicki Bair, Compliance Specialist

Mr. Pete Gardzina, Bureau Chief

Others Present

Mr. Terry Sukut, AIA

Mr. William Grant, AIA

Ms. Chere LeClair, AIA

Ms. Connie Dempster, AIA

Mr. Dale Nelson, AIA

Ms. Shelly Engler

Mr. Joe Roberts

Preliminary

Approval of Agenda

Motion: Ms. O'Neill moved to investigate the complaint. Mr. Shepard seconded the motion. The motion carried.

The Board determined the scope of the investigation should include a copy of the sign in front of the building and a layout of the place, a photocopy of the phone book, and a list of any employees working for Quick Draw.

Amy Beausoleil

The Board office was informed that Amy Beausolei (an architect-in-training) may be engaging in the practice of architecture without the required license while working in conjunction with Gaston Engineering and Land Surveying. The Board determined no action was needed in regards to Ms. Beausoleil; however, requested the information be sent to the Board of Professional Engineer and Land Surveyors for their consideration of possible architectural practice by Gaston Engineering.

John Sinrud -JJKG & Associates

Ms. Jasmin stated the Board office received a phone call from the City Plan Reviewer from Helena regarding an article in the Independent Record indicating Mr. Sinrud owns his own architectural design business in Bozeman, Montana and the City Plan Reviewer stated he is not licensed. Ms. Jasmin stated after speaking with Ms. Moe, Board Counsel and Mr. Boucher, a letter was sent to Mr. Sinrud indicating he may be engaging in the practice of architecture without the required responsible control and direction of a Montana licensed architect as in accordance with ARM 24.114.405 (Qualifications required for Montana Branch office), and that he respond to the matter. In a response from Mr. John M. Sinrud (JJKG & Associates), he indicates the administrative rule does not apply to him and that he does not hold himself out as an "architect" or a "licensed architect", nor is he engaged in the "practice of architecture".

Ms. Moe, Board Counsel stated owning an architectural firm does not violate any statutes as long as ARM 24.114.403 (Business Entity Practice) is adhered to and noted "Branch office" is not defined in the rules. Ms. Moe, Board Counsel further stated that a complaint had not been filed, but the information provided was for their review and consideration.

The Board reviewed and discussed the information submitted and noted there appeared to be a possible violation of ARM 24.114.403 Business Entity Practice and ARM 24.114.405 Qualifications Required for Montana Branch office.

Mr. Ward disclosed he knows Mr. John Sinrud and would recuse himself on any matters that would involve his vote.

Motion: Ms. O'Neill moved to file a Board generated complaint against Mr. John Sinrud and requested the matter be investigated. Mr. Fontaine seconded the motion.

Mr. Shepard stated if the Board believes the Business Entity Practice ARM 24.114.403 rule has been violated, the complaint and investigation should include JJKG & Associates.

Motion: Ms. O'Neill moved to amend her motion to include the business, JJKG & Associates, to be included in the complaint matter for investigation. Mr. Fontaine seconded the motion. The motion carried.

The Board determined the scope of the investigation should include the following:

- •Determine the type of business entity (partnership, professional limited liability company, professional corporation) and ownership makeup (who are partners, managers, and or directors) of JJKG & Associates.
- •Whether there are any Montana licensed architects and/or engineers employed by JJKG & Associates and if so, how many.
- Determine whether 2/3 of the total managers or directors are registered anywhere as architects or engineers, and whether 1/3 of the total managers or directors are Montana licensed architect, per ARM 24.114.403.
- •Check with the Building Codes Bureau, Gallatin County and the City of Bozeman (over the last 10 years) to see if any design plans were ever issued by Mr. Sinrud or by JJKG & Associates that would require an architect's seal and obtain copies of any of these plans.

Public Comment

Mr. William Grant, AIA informed the Board that the Public Record for HB 640 shows Mr. John Sinrud as listing his occupation as an architect.

Motion: Mr. Shepard moved to include the records from the legislative session showing Mr. John Sinrud as listing himself as an Architect in the investigation. Ms. O'Neill seconded the motion. The motion carried.

Architect Application by Out of State License –Jack Morgan

Ms. Moe, Board Counsel stated Mr. Morgan answered "yes" to the disciplinary question. Mr. Morgan provided a response to the Board indicating his company submitted a project for the Fisher Hill Baptist Church in Cheraw, South Carolina with a seal showing that the "Certificate of Authority" for A/E Technologies, Inc. was not authorized to practice architectural by the Board. Mr. Morgan signed a consent agreement and paid a \$2,000.00 fine and was required to obtain firm registration in South Carolina.

Motion: Mr. Fontaine moved to approve the application for licensure of Mr. Jack Morgan. Mr. Shepard seconded the motion. The motion carried.

Recessed

Mr. Ward recessed the Open Session meeting 2:56 p.m.

MONTANA BOARD OF ARCHITECTS & LANDSCAPE ARCHITECTS

PARK AVENUE BUILDING 301 SOUTH PARK AVENUE 4th FLOOR LARGE CONFERENCE RM #489 HELENA, MONTANA

OCTOBER 15, 2007

OPEN SESSION MEETING MINUTES

Call to Order

Vice President, Bayliss Ward called the Montana Board of Architects and Landscape Architects Open Session meeting to order on October 15, 2007, at 12:04 p.m. 301 South Park Ave, in Helena, Montana.

Board Members Present

Mr. Bayliss Ward, Architect, Vice President

Ms. Teresa Wilson, Public Member

Mr. Jim Shepard, Architect

Ms. Maire O'Neill, Architect

Ms. Shelly Engler, Landscape Architect

Mr. Carl Thuesen, Landscape Architect

Staff Present

Ms. Darcee Moe, Board Counsel

Ms. Patricia Bik, Newly Appointed Board Counsel

Mr. Art Gorov, Chief Deputy Legal Counsel

Mr. Todd Boucher, Executive Officer

Ms. Brooke Jasmin, Program Manager

Ms. Vicki Bair, Compliance Specialist

Others Present

Mr. Terry Sukut, AIA

Mr. William Grant, AIA

Ms. Connie Dempster, AIA

Ms. Carol Maveros

Approval of Agenda

Motion: Mr. Shepard moved to approve the agenda as presented. Ms. O'Neill seconded the motion. The motion carried.

Meeting Minutes of the Board of Architects & Landscape Architects October 15, 2007

Calligraphy Services Ron Baker

Mr. Ron Baker, calligrapher from Maryland, sent a letter to the Board asking if they needed a professional calligrapher. Ms. Jasmin stated current certificates issued to licensees are cost efficient and computer generated. The Board instructed Ms. Jasmin to thank Mr. Baker and to inform him the current process is more cost effective.

Letter from NCARB President, Doug Engebretson Public Buildings

The Board reviewed a letter from Mr. Engebretson regarding his concern for the assurance of competent architects in light of the recent tragedy of the Minneapolis Bridge collapse. Mr. Ward requested the letter be included in the book as a starting point for fighting for the definition of a public building to ensure the public's safety.

Revisited Business

Complete Investigative Reports JJKG & Associates/ John Sinrud

Mr. Ward recused himself from the matter since he took over the project involving Mr. Sinrud. Mr. Gorov, Chief Deputy Legal Counsel stated if Mr. Ward could be impartial, he would not have to recuse himself. The Board reviewed the completed investigation report for complaint 2008-001-ARC. A complaint was filed against Mr. Sinrud by the Board of Architects alleging Mr. John Sinrud may have engaged in unlicensed architectural practice.

Motion: Mr. Shepard moved to find reasonable cause that Mr. John Sinrud is practicing architecture without a license. Ms. O'Neill seconded the motion. Mr. Ward abstained from voting. The motion carried.

Mr. Gorov recommended a Cease and Desist order be issued to Mr. John Sinrud.

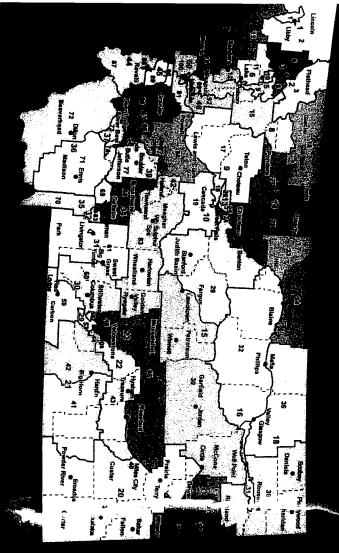
As a result of reviewing Mr. Sinrud's investigation, material was discovered regarding Mr. Larry Pearson and the possibility of unlicensed practice.

Motion: Ms. Wilson moved to file a Board generated complaint against Mr. Larry Pearson for possible unlicensed architectural practice. Mr. Shepard seconded the motion. Ms. O'Neill abstained from voting. The motion carried.

Quick Draw Associates/Robert Kavajecz

Ms. Bair stated the investigative report would be reviewed at the next meeting.

Revisited ARM 24.114.501



MONTANA



2005-2006

Garde to

Montana's 59th

Legislative

Assembly

Montana Legislative Districts

Red Numerals = Senate Districts Blue Numerals = House Districts

> See Districts Listing inside cover

Compliments of:

Mean's fit common ages
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Holly Raser (D) • HD 98

Address 4304 Spurgin Rd., Missoula, MT
59804-4520 Hm. Ph. 542-7018 Wk. Ph. 5499239 Mobile 546-6724 E-mail repraser98@
bresnan.net Occupation Teacher Ed. MA in
Education Pol. Exp. 2nd term House of
Representatives Family Children - Caitlin,
Alyssa Affil. MEA/MFT, Missoula Developmental Services Corp. Board of Directors, Special
Education Advisory Panel Com. Leg. Admin.,
Fed. Rel., Tax.



Diane Rice (R) • HD 71
Address P.O. Box 216, Harrison, MT 59735-0216 Hm. Ph. 685-3468 Wk. Ph. 685-3468
Fax 685-3456 Mobile 580-1447 E-mail drice@3rivers.net Occupation Rancher Ed. BA Sociology - U of Colorado Pol. Exp. MT House 3 terms, Chair Ag Committee 2003 Affil. Madison Co. Republicans, MT Stockgrowers, MT Angus Assoc. Family Husband - Barry, Children - Dana, Dustin, Dan, Sam Com. Ag., Jud., Fed. Rel.



Rick Ripley (R) • HD 17

Address 8920 MT Highway 200, Wolf Creek, MT 59648-8639 Hm. Ph. 562-3502 Wk. Ph. 562-3502 Fax 562-3502 Occupation Agriculture Ed. MA Counseling Administration Pol. Exp. 2001 Legislature, MT House 3 terms Family Wife - April, Children - Kelsey, Julie Affil. Brd. of Directors 1st Bank of Lincoln, Private Property Rights Director Com. Approp., NRC



Don Roberts (R) • HD 56
Address 5414 Walter Hagen Dr., Binings, and 59106-1007 Hm. Ph. 652 CTDO Wk. Ph. 652-8411 Fax 652 TGD E-mail jstuber@rimrockoral and additional com Occupation Oral and Maxillo Facial Surgeon Ed Doctorate Family Wife - Carol, Children - Sara, Michelle, Melissa Affil. Rotary International, Am. Assoc. of Oral and Maxillo Facial Surgeons, Board of Yellowstone Art Center, Boy Scouts Com. Hum. Svr., Bus., FWP



Jack Ross (R) • HD 60 Address 129 N. Stillwater Rd., Absarokee, MT 59001-6235 Hm. Ph. 328-4925 E-mail jackross@nemontel.net Occupation Retired Ed. BA Mathematics Pol. Exp. 2nd term MT Leg. Family Wife - Pat, 3 grown children Affil. Board of Directors, Absarokee Community Foundation, Member Beartooth Stock Assoc. Com. Tax., Ag., NR



Scott Sales (R) • HD 68
Address 5200 Bostwick Rd., Bozeman, MT
59715-7721 Hm. Ph. 587-0047 Mobile 5797994 E-mail scottsalesHD68@earthlink.net
Occupation Private investor Ed. BBA Industrial
Business - Boise State Pol. Exp. MT House 2
terms Family Wife - Sandra, Children - Emma,
Colten, Rachel Affil. Nat. Rifle Assoc., CATO
Institute, Grace Bible Church Com. FWP, Tax.,
Ed.



Jon C. Sesso (D) • HD 76
Address 811 W. Galena St., Butte, MT 59701
Hm. Ph. 782-0768 Wk. Ph. 497-6254 Fax 497-6328 E-mail jonsesso@yahoo.com Occupation
Planning Director/Superfund Coord. (Butte-Silver Bow) Ed. MA Communications,
Environmental Studies Family Wife - Barbara
Kornet Affil. MT Goegraphic Info. Council brd.
member, MT Concensus Council brd. member,
MT Assoc. of Planners brd. member, Big
Brothers & Sisters, Big Hole River Foundation
Com. Approp., Corr.



John Sinrud (R) • HD 67
Address 284 Frontier Dr., Bozeman, MT 597187975 Hm. Ph. 388-6973 Wk. Ph. 556-1311 For 556-1307 E-mail johnsinrudhdo 7611 Encome Occupation Architectural Dr., and Ed. BS Political Science Dr. Pol. Exp. MT House 2 terms Ineigrade City Brd. of Adjustments, as a pool brd. member Family Wife - Kim, Children - Josh, Grace Affil. Republican Women, Gallatin Cnty. Pachyderm, Gallatin Cnty. Republicans Com. Approp., Gen. Gvt.



Veronica Small-Eastman (D) • HD 42
Address P.O. Box 262, Lodge Grass, MT 590500262 Hm. Ph. 639-2536 Wk. Ph. 639-2385
Fax 639-2066 Mobile 665-5206 E-mail
barvx@hotmail.com Occupation Business
Teacher, School-To-Work Coord. Ed. BS
Business Ed., MS School Admin., School
Counseling K-12 Endorsement Family Husband
Sid Eastman. Children - Cecile, George,
Sydney Jean, Dennis Affil. Nat. Bus. Ed. Assoc.,
T. Ed. Assoc., Jobs for MT's Grads., MT Indian
Ed. Assoc., MT Cattleman's Assoc., Am. Indian
Bus. Leaders Assoc. Com. NR, St. Admin., Ag.



Jon Sonju (R) • HD 7
Address P.O. Box 2954, Kalispell, MT 599032954 Hm. Ph. 270-7113 Wk. Ph. 752-4253
Mobile 270-7113 E-mail sonjumt@yahoo.com
Occupation Dir. Operations Sonju Industrial
Ed. BS MSU - Billings, AS Dawson Community
College Family Wife - Tania Affil. Brd. member
Boys & Girls Club Glacier Cnty., Rotary, Lions,
ALEC, Leadership Flathead Alumni Com. Leg.
Admin., Jud., Ed.

Compliments of.

Ore the magnificent barral vault

House '



Address: 4304 Spurgin Rd, Missoula, MT Holly Raser (D) HD 98

59804-4520

Home Phone: 542-7018 Work Phone: 549-9239 **Cell Phone:** 546-6724

Occupation: Elementary ed. teacher Committees: Education, Judiciary E-mail: repraser98@bresnan.net



Scott Sales (R) HD 68

House

59715-7721

Occupation: Private investor

Committees: Rules, State Administration



Address: P.O. Box 5945, Missoula, MT Michele Reinhart (D) HD 97

Home Phone: 360-4762 59806-5945

E-mail: michelereinhart@gmail.com

Occupation: Government assistant planner

Committees: Business & Labor, Human Services, Rules



Diane Rice (R) HD 71

Address: P.O. Box 216, Harrison, MT 59735-0216

Home Phone: 685-3468 Cell Phone: 580-1447 Fax: 685-3456

E-mail: drice@3rivers.net Occupation: Rancher

Spouse: Barry Rice

Committees: Agriculture, Federal Relations, Energy & Telecommunications, Judiciary



Address: 8920, MT Highway 200, Wolf Creek, **Home Phone:** 562-3502 Rick Ripley (R) HD 17 MT 59648-8639

Occupation: Agriculture Work Phone: 562-3502 Cell Phone: 781-8357

Spouse: April Ripley

Committees: Appropriations, Natural Resources & Conservation



Address: 129 N Stillwater Rd, Absarokee, MT E-mail: jackross@nemontel.net **Home Phone: 328-4925**

John (Jack) Ross (R) HD 60

Committees: Agriculture, Natural Resources, Spouse: Joan Patricia Ross Occupation: Retired

Faxation

Address: 5200 Bostwick Rd, Bozeman, MT E-mail: scottsaleshd68@earthlink.net **Home Phone:** 587-0047 **Cell Phone: 579-7994** Spouse: Sandie Sales

Diane Sands (D) HD 95

Work Phone: 728-3476 ext 4

Address: 4487 Nicole Ct, Missoula, MT **Home Phone:** 251-2001 59803-2791

Occupation: County museum development E-mail: hdsands@aol.com director

Occupation: Human Services, Legislative Administration, Local Government Spouse: Ann Mary Dussault

Address: 155 W Granite, Butte, MT Jon Sesso (D) HD 76

Home Phone: 782-0768 59701-9256

Work Phone: 497-6254 Fax: 497-6328

E-mail: jonsesso@yahoo.com Occupation: Government Spouse: Barbara Kornet

Committees: Appropriations, General Government & Transportation



John Sinrud (R) HD 67

Address: 284 Frontier Dr., Bozeman, MT Home Phone: 388-2336 59718-7975

Cell Phone: 539-9654 Fax: 556-1307 Work Phone: 566-1311

E-mail: john@sinrud.com Occupation: Architecture Spouse: Kimberly Sinrud

Committees: Appropriations, Ethics, General Government & Transportation, Long-Range Planning

Address: P.O. Box 262, Lodge Grass, MT Veronica Small-Eastman (D) HD 42 59050-0262

Home Phone: 639-2536

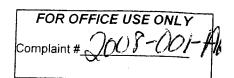
Cell Phone: 208-3486 Fax: 639-2066 Work Phone: 639-2385

Occupation: HS Business teacher/school to E-mail: barvx@hotmail.com Work coordinator



STATE OF MONTANA DEPARTMENT OF LABOR AND INDUSTRY **BUSINESS STANDARDS DIVISION** 301 S PARK - ROOM 430 PO BOX 200513 HELENA, MONTANA 59620-0513

(406) 841-2300



Zip Code

BOARD NAME: BOARD OF ARCHITECTS	The second secon			
COMPLAINT AGAINST: John M. Sinrud LICENSE # PROFESSION/OCCUPATION TYPE:	None	(If Known)		
BUSINESS/FIRM NAME:JJKG & Associates, INCPHONE:				
ADDRESS: 303 W Mendenhall ST Street or PO Box	Bozeman, MT City/State	59715 Zip Code		
NATURE OF COMPLAINT: Please describe in detail the nature of the complaint, giving dates and other information. If service is part of the complaint, give information about telephone calls, contracts, etc. Attach additional sheet if necessary. The Board alleges Mr. John Sinrud of JJKG & Associates may be in possible violation of ARM 24.114.405 Qualifications required for Montana Branch Office and ARM 24.114.403 Business Entity Practice				
LIST OF WITNESSES AND EVIDENCE: See Attached Documents				
WHAT ACTION ARE YOU REQUESTING OF THE BOARD OR DEPARTMENT? To be determined by the Board.				
COMPLAINANT'S NAME: <u>Board of Architects</u> PHONE#: <u>(406)</u> {	841-2351			
COMPLAINANT'S ADDRESS: PO Box 200513 Street or PO Box	Helena, MT City/State	59620-0513 Zip Code		

Governor Brian Schweitzer

MONTANA BOARD OF ARCHITECTS

March 23, 2007

JOHN M. SINRUD JJKG & ASSOCIATES, INC. 303 W MENDENHALL ST BOZEMAN MT 59715

Certified Receipt #7003 3110 0000 6630 6484

Dear Mr. Sinrud:

It has come to the attention of the Montana Board of Architects that JJKG & Associates, Inc. may be engaging in the practice of architecture without the required responsible control and direction of a Montana licensed resident architect. In accordance with the following administrative rule:

ARM 24.114.405 QUALIFICATIONS REQUIRED FOR MONTANA BRANCH OFFICE (1) No firm, corporation, partnership or individual may establish or maintain within this state, a branch office to engage in the practice of architecture unless such branch office is under the responsible control and direction of a Montana licensed resident architect who is in the branch office a majority of the time the office is open.

The Board is requesting that you submit a written explanation regarding this matter and/or if you feel that ARM 24.114.405 does not pertain to JJKG & Associates. Your written response must be received in the Board office no later than 10 days of receipt of this letter.

Sincerely,

Brooke T Jasmin Program Manager

(406)841-2351

- 2298, Eff. 8/25/00; <u>TRANS</u>, from Commerce, 2002 MAR p. 173; <u>AMD</u>, 2006 MAR p. 1381, Eff. 6/2/06.)
- 24.114.403 BUSINESS ENTITY PRACTICE (1) When there is a partnership or other business entity of architects, the individual names and license numbers may appear on one seal.
- (2) Nothing shall prevent a professional limited liability company, or a professional corporation from performing or holding itself out as able to perform any of the services involved in the practice of architecture, provided that:
- (a) two-thirds of the total managers (if a professional limited liability company), or directors (if a professional corporation) are registered under the laws of any United States jurisdiction or any foreign jurisdiction approved by the board as architects or engineers; and
- (b) one-third of the total managers or directors are registered as architects in Montana. (History: 35-4-301, 35-8-1304, 37-1-131, 37-65-204, MCA; IMP, 35-4-205, 35-4-207, 35-4-208, 35-4-209, 35-4-301, 35-8-1304, 37-65-101, 37-65-302, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2005 MAR p. 2077, Eff. 10/28/05; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)
- <u>24.114.404</u> ARCHITECT PARTNERSHIPS TO FILE STATEMENT WITH BOARD OFFICE (1) All licensees who enter into partnerships, limited partnerships or profit corporations, subchapter S corporations or any other form of business entity in which their professional talent and service are utilized, shall file with the board office a statement of the existence of the business entity and the licensee's relationship to it. (History: 37-1-131, 37-65-204, MCA; IMP, 35-4-209, 37-65-302, MCA; NEW, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)
- 24.114.405 QUALIFICATIONS REQUIRED FOR MONTANA BRANCH OFFICE (1) No firm, corporation, partnership or individual may establish or maintain within this state, a branch office to engage in the practice of architecture unless such branch office is under the responsible control and direction of a Montana licensed resident architect who is in the branch office a majority of the time the office is open. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-303, MCA; Eff. 12/31/72; AMD, Eff. 7/5/74; AMD, 1980 MAR p. 1720, Eff. 6/27/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)
- 24.114.406 SOLICITATION OF BUSINESS BY NONRESIDENT ARCHITECTS (1) A nonresident architect may offer architectural services in this state without compensation upon submission to the board of verification of the following:
- (a) a current, unrestricted architecture license issued by the state where the architect's principal offices are located; and
 - (b) a current NCARB certificate.
- (2) The nonresident architect may not accept a commission or otherwise engage in the practice of architecture within this state until licensed by the board. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)
- 24.114.407 EMERGENCY USE OF ARCHITECTS (1) Nothing shall prevent a person who is not currently registered in this state and is currently registered in another United States or Canadian jurisdiction, from providing uncompensated (other than reimbursement of expenses) professional services at the scene of an emergency at the

March 26, 2007 - Conversation with John M. Sinrud

At approximately 12:15 p.m. John Sinrud called me regarding the letter I had sent him on March 23, 2007. He had asked me who had filed a complaint against him. I told Mr. Sinrud that the City Plan Reviewer from Helena had called me and asked if the Board of Architects had read the article in the Independent Record about Representative Sinrud and that he knew Mr. Sinrud did not have a Montana Architects license. I relayed to Mr. Sinrud that after my supervisor and I had read the article we went to his website for JJKG & Associates, Inc where he lists his business as providing services in Architectural Design. He had then told me that he knows the laws and rules in Montana and is in no way doing business as an architect. He said that his was very suspicious to him. I stated that this was standard office procedure. I then told him to please submit a response in writing and he said his lawyer will be doing that. I then thanked him for calling.

Brooke T Jasmin

406 336 1307

- . to 1

JJKG & ASSOCIATES, INC.

Brooke T. Jasmin
Montana Department of
Labor and Industry
301 South Park
Helena, MT 59620-0513
RE: Certified Receipt #7003 3110 0000 6639 6484

Dear Ms. Jasmin,

I am in receipt of your March 23, 2007 letter. ARM 24.114.405 does not apply to me or my office. I do not hold myself out as an "architect" or a "licensed architect" in any of my business activities. Neither am I engaged in the "practice of architecture," thereby needing a license.

Sincerely,

John Sinrud President

JKG & Associates, Inc.

Governor Brian Schweitzer

MONTANA BOARD OF ARCHITECTS

July 6, 2007

JOHN SINRUD JJKG & ASSOCIATES, INC 303 W MENDENHALL ST BOZEMAN MT 59715

Dear Mr. Sinrud.

The Montana Board of Architects will be discussing matters pertaining to JJKG & Associates, Inc. at their July 16, 2007 Board meeting during open session. Enclosed is a copy of the Board agenda.

The matter is tentatively scheduled to be heard by the Board between 12:00 noon and 5:00 p.m. Monday, July 16, 2007. The Board meeting is being held in the Department of Labor & Industry, Business Standards Division, Park Avenue Building located at 301 S. Park, Fourth Floor, Rm #489 Helena, Montana.

The Board sets and enforces standards and rules governing the licensing, certification, registration, and conduct of the practice of architecture. Please be advised that this is an open session meeting of the Board and not a formal hearing. The Board encourages the public to participate in their deliberations; however, if you are unable to attend you will be notified of the Board's decision, in writing, within 10 days of the Board meeting.

If you have any questions, please give me a call at (406) 841-2351.

Sincerely,

Brooke T Jasmin

Program Manager



July 19, 2007

JOHN M. SINRUD JJKG & ASSOICATES, INC 303 W MENDENHALL ST BOZEMAN MT 59715

RE: Complaint #2008-001-ARC

This office is in receipt of information regarding possible unlicensed practice. Pursuant to Montana Code Ann. 37-1-317 (2001), the Montana Department of Labor and Industry is required to investigate allegations of unlicensed practice. Enclosed is a copy of the Board generated complaint.

It is requested by the Montana Board of Architects that you submit a response to the Board in regard to the matter, along with copies of any related documents, names, addresses, and phone numbers of any individuals identified in your response as having knowledge regarding the allegations within 15 days of receipt of this correspondence, or by **August 3, 2007**.

Whether or not a response is received, the Board will consider the matter. Notification will be sent to you at a later date regarding the time and place of the meeting. You have the right to observe, but not participate, in the Board's deliberations regarding this complaint.

Sincerely,

Vicki Bair

Compliance Specialist

Request Audio Recording of Board Meeting

The Business Standards Division now records Board Meetings.
The Division provides recordings of **Open Board Meetings** to the public via compact disc.
The following menu lists boards that will have recordings available.

Top of Form

<< OLE Object: Forms.HTML:Select.1 >>

Bottom of Form

The software required to listen to these recordings is available from <u>ForTheRecord</u> Please download the **Record Player**.

From: Bair, Vicki

Sent: Thursday, July 19, 2007 2:53 PM

To: Gorov, Arthur; Moe, Darcee Cc: Jasmin, Brooke; Boucher, Todd Subject: John Sinrud Phone Call

FYI

I received a phone call from Mr. John Sinrud requesting an audio copy of the meeting. I will send him one today.

Vicki Bair Compliance Specialist Department of Labor and Industry Business and Occupational Licensing Bureau

Phone: (406) 841-2357 E-mail: vbair@mt.gov Arthur V. Wittich

Frederick P. Landers, Jr.
Admitted MT & GA

Margot E. Barg
Admitted MT, CA & AR

Hertha L. Lund
Admitted MT



"Thy Liberty in Law"

602 Ferguson Ave., Suite 5 Bozeman, Montana 59718

> Phone: (406) 585-5598 Fax: (406) 585-2811 wlf@law-advisor.com

JUL 3 0 2007

July 26, 2007

DELIVERED VIA MAIL

Vicki Bair Compliance Specialist Montana Department of Labor and Industry PO Box 200513 Helena, MT 59620

Re: John M. Sinrud, Complaint No. 2008-001-ARC

Dear Ms. Bair:

I represent John M. Sinrud, who recently received your Complaint No. 2008-001-ARC dated July 19, 2007. At the outset, I object to the process being employed by the Montana Board of Architects in this matter. While you state that Mr. Sinrud has the "right to observe" the future Board deliberations, there is no real opportunity to know the specific charges or complaints (or complainants) against him, nor any real ability to defend. It also seems that the same people who have filed the complaint (i.e., the Board of Architects) will also decide the outcome of the complaint. This fails any constitutional due process test, and also fails even the due process afforded to people coming before your Board under the Montana Code.

In your complaint you state that Mr. Sinrud "may" have violated ARM 24.114.405 and 24.114.403. However, Mr. Sinrud is neither a branch office for a national architecture firm, nor is his company a professional corporation or professional limited liability company. Nothing in your "list of witnesses and evidence" attached to your complaint shows anything other than these facts.

Instead you include copies of Mr. Sinrud and JJK & Associate, Inc.'s website pages, the Montana Secretary of State's records, and as a newspaper article on Mr. Sinrud's political activities from the Helena Independent Record. Nowhere in your complaint do you offer any evidence on how Mr. Sinrud or his company's activities relate to the ARM violations.

Before responding further, please provide to me at your earliest convenience:

- 1. Name of the original complainant and actual complaint filed.
- 2. Names of the Board of Architecture who brought Complaint No. 2008-001-ARC.
- 3. Names of the Board of Architecture who will decide any disposition from the complaint.

4. Any public files concerning other people who have been charged with similar violations, and the final disposition.

Thank you.

Sincerely,

Arthur V. Wittich

AVW/sj

BRIAN SCHWEITZER, GOVERNOR

TELEPHONE: (406) 444-4493

FAX: (406) 444-1394 TDD: (406) 444-0532 P.O. BOX 1728 HELENA, MT 59624-1728

July 30, 2007

Arthur V. Wittich 602 Ferguson Avenue Suite 5 Bozeman, Mt 59718

Re: John Sinrud

Mr. Wittich:

Your letter of July 26^{th} addressed to Vicki Bair has been forwarded to me for review and response. Unfortunately you do not seem to understand the tenor of the letter sent to Mr. Sinrud with which you take some exception.

The letter from the Department makes it clear that Mr. Sinrud is being investigated to ascertain if he has been practicing architecture in the State of Montana without having first obtained from the Department a license to do so as required under the terms of 37-65-101, et seq. MCA. I am sure that you can agree that both the newspaper article sent to Mr. Sinrud and Mr. Sinrud's listing in the 2007 legislature's "copper book" clearly raise the question at issue. All that has been requested of Mr. Sinrud at this time is, if he desires to submit it, a response to the information contained in those publications.

At this point the matter has been ordered investigated by the Board of Architects and will come back before the full board after the investigation is completed. At that time, the full board will consider all of the materials it has before it, including the report of investigation and any response submitted by Mr. Sinrud. After consideration of those materials the full board will decide whether or not there is probable cause to believe that Mr. Sinrud practiced architecture without a license. If such probable cause is found, the board will likely order that a Cease and Desist Order issue to Mr. Sinrud. If that order is not complied with the board may then order that its attorneys proceed to the District Court to seek an injunction against Mr. Sinrud. The board may also forward the matter to the appropriate county attorney for prosecution. See37-1-317 and 37-65-322 MCA

As a protection to your client, and others similarly situated, unless and until there has been a

finding of probable cause all matters are considered confidential and not subject to disclosure to any one. Since your client already has a transcript of the last board meeting, there is nothing further that I can furnish to you at this time. Your concern about Mr. Sinrud's ability to defend himself before the board is unwarranted. At the board meeting, Mr. Sinrud and you, as his attorney, have the right to be present and observe the proceedings. However neither Mr. Sinrud nor you have the right to participate. The only time at which Mr. Sinrud or you may address the panel is if one of the panel members should ask you a direct question.

I hope that this clarifies the procedure being followed in this matter which is the same procedure followed in all similar matters before the Department.,

Very truly yours,

Arthur M. Gorov Deputy Chief Legal Counsel Montana Department of Labor and Induustry 406-841-2387 Arthur V. Wittich
Admitted MT & CO

Frederick P. Landers, Jr.
Admitted MT & GA

Margot E. Barg
Admitted MT, CA & AR

Hertha L. Lund
Admitted MT



"Thy Liberty in Law"

602 Ferguson Ave., Suite 5 Bozeman, Montana 59718

> Phone: (406) 585-5598 Fax: (406) 585-2811 wlf@law-advisor.com

August 29, 2007

DELIVERED VIA MAIL

Mr. Bruce Duenkler Investigator Business Standards Division Department of Labor and Industry 301 S. Park Helena, MT 59620

Re: John M. Sinrud

Dear Mr. Duenkler:

Thank you for the telephone call this morning. As you requested, I am providing a written response to your investigation of the Board of Architects complaint against John Sinrud. Mr. Sinrud continues to maintain that there is no basis for an enforcement action by the Board of Architects against his business practices.

Clearly this complaint was inspired from Mr. Sinrud's activities as a member of the State House of Representatives. The sum total of your evidence against Mr. Sinrud engaging in the "practice of architecture" is the description of his business from the Copper Book prepared by lobbyists to be used during the Legislative session, as well as a newspaper article concerning Mr. Sinrud's legislative activities on the State budget. In addition, the complaint may be the result of his opposition to House Bill 640, which would have greatly expanded the definition of "public building" in current law as it related to the necessity to hire a licensed architect.

As for Mr. Sinrud's and JJKG, Inc.'s past references to "architectural design" services, under your interpretation of MCA § 37-65-301, any business in the state would be prohibited from using "architectural" in their business name, including architectural audio services, architectural lighting services, architectural illustrators, architectural supply, etc. These businesses clearly include "words, letters, figures, or other device" which under your definition would require them to obtain a license from the Board. Clearly this is not what is intended in the Code, nor should it be selectively enforced against my client.

It appears that, as it concerns Mr. Sinrud, the Board of Architects desires that all plans submitted to a city or state building code agency by a designer, draftsman, or anyone else, be stamped by a licensed architect. While this may be desired from a protectionist standpoint, it simply does not reflect current

law. If the Board desires such a requirement, I encourage them to work through the legislative process to change the law, as well as the definition of "practice of architecture" found in MCA § 37-65-102. If the Board continues with this investigation and issues a Cease and Desist Order to my client, I assume that it will be issuing similar orders to every other person engaging in design or drafting services, or any business with the root word "architecture" in its business name. If such a broad enforcement action is not undertaken, I can only conclude that the selective enforcement against my client is politically inspired, and will be defended accordingly.

Sincerely,

Arthur V. Wittich

artantist

AVW/si

cc: Client

September 11, 2007

ARTHUR WITTICH WITTICH LAW FIRM 602 FERGUSON AVE STE 5 BOZEMAN MT 59718

RE: Complaint #2008-001-ARC, John M. Sinrud (Completed Investigation Report)

The Board of Architects will be considering the above-referenced matter at its meeting on **October 15, 2007**. The meeting is scheduled to begin at 12:00 p.m. at 301 South Park Avenue Building in Helena, Montana.

The chairman of the Board has determined this matter will be held in open session.

If you plan to attend the meeting, or would like to join by conference call, please notify me at (406) 841-2357 prior to the meeting date. Please note that if you choose to attend, your participation will be limited to observing the Board's deliberations. You will be notified in writing as to the Board's decision regarding the matter after the meeting date.

Thank you in advance for your cooperation and assistance.

Sincerely,

Vicki Bair

Compliance Specialist

CC: John M. Sinrud

BRIAN SCHWEITZER, GOVERNOR

TELEPHONE: (406) 444-4493

FAX: (406) 444-1394 TDD: (406) 444-0532 P.O. BOX 1728 HELENA, MT 59624-1728

October 15, 2007

John Sinrud and JJKG and Associates, Inc. 303 West Mendenhall Street Bozeman, MT 59715

CERTIFIED AND REGULAR MAIL

Complaint No. 2008-001-ARC

CEASE AND DESIST ORDER

Mr. Sinrud:

The Montana Board of Architecture has reviewed a complaint brought against you with regard to the services you have performed in the State of Montana. The Board has determined that the services you have performed in the State of Montana are such that require you to obtain a license to do so under the provisions of §37-65-301, et seq., Montana Code Annotated. In lieu of proceeding in the District Court to obtain an injunction, the Board is issuing this **Cease and Desist Order**. However, should the Board receive information in the future that you are continuing to perform such services in the State of Montana, contrary to Montana statutes, the Board will immediately seek such injunctive relief in the District Court.

Section 37-65-301 Montana Code Annotated provides that no person may engage in the practice of Architecture or hold themselves out as an architect in the State of Montana without a current license issued by the Department. Further, §37-65-322 MCA indicates that the violation of any provision of the statues on the licensing of architects is a misdemeanor.

YOU ARE HEREBY ORDERED TO CEASE AND DESIST FROM PERFORMING ANY ARCHITECTURAL SERVICES OR HOLDING YOURSELF OUT TO BE AN ARCHITECT IN THE STATE OF MONTANA UNLESS AND UNTIL YOU OBTAIN A LICENSE TO DO SO ISSUED BY THE DEPARTMENT OF LABOR AND INDUSTRY.

As indicated, if the Board should receive information that you have failed to comply with this **Cease and Desist Order** the Board will seek injunctive relief from the District Court. The Board may also request the County Attorney to prosecute a misdemeanor action under §37-65-322 MCA.

The Board hopes that you will guide your actions in the future in accordance with this Cease and Desist Order.

Chair, Montana Board of Architects

By Arthur M. Gorov

Deputy Chief Legal Counsel

Acting Board Counsel

(406) 841-2371

cc:

Chair, Board of Architects Vicki Bair, Compliance Specialist

Arthur V. Wittich 602 Ferguson Avenue, Suite 5 Bozeman, MT 59718 Arthur V. Wittich

Frederick P. Landers, Jr.
Admitted MT & GA

Margot E. Barg

Hertha L. Lund
Admitted MT



"Thy Liberty in Law"

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> Phone: (406) 585-5598 Fax: (406) 585-2811 wlf@law-advisor.com

October 18, 2007

Arthur M. Gorov Deputy Chief Legal Counsel Montana Department of Labor and Industry P.O. Box 1728 Helena, MT 59624-1728

Dear Mr. Gorov:

I am in receipt of your October 15, 2007 "Cease and Desist Order." First, I question whether the Montana Board of Architecture even has legal authority to issue such a document. If it has such authority, the procedures actually employed by your Board clearly violated my clients' legal rights. You have provided no proof as to your conclusion that my client, John Sinrud and JJKG and Associates, Inc. violated any Montana law or administrative rule concerning the practice of architecture. And you have provided my client no real defense opportunities before reaching such a conclusion. The Board's actions were the result of a political witch hunt, plain and simple.

If the Board decides to subsequently take any additional action, please notify me immediately. We would welcome a forum where the Rules of Civil Procedure (and Evidence) apply, versus the Kangaroo Court that is the current Board. Thank you.

Sincerely,

Arthur V. Wittich

AVW/llb

cc: Client

Gorov, Arthur

From:

MediaContactForm

Sent:

Thursday, November 08, 2007 6:00 PM

To:

Hammill, Vivian (DLI); Kelly, Keith; Schwinden, Dore; Cooney, Mike; Kane, Jack; Gorov, Arthur

Cc:

DLI Public Information Office; Kane, Jack

Subject: Media Contact Submission

Media Contact Submission

Submitted By:

Jack Kane

Email:

jkane@mt.gov

Office:

Business Standards Division

Date of Contact:

11/8/2007

To:

VHammill2@mt.gov, kkelly@mt.gov,

dschwinden@mt.gov, mcooney@mt.gov,

jkane@mt.gov, AGorov@mt.gov

Type of Contact:

Legislative

Contact Name:

John Sinrud

Phone Number:

406-539-9654

Describe Contact:

John Sinrud called me at my office at

approximately 4:30 pm regarding the Cease & Desist Order generated by the Board of Architects against his firm that went out Oct. 15. The topics

against his firm that went out Oct. 15. The topics of his concerns were many and varied and included that the C&D was politically motivated; that he Boards did not follow due process; that the Governor was out to get him; the board Chairman was out to get him; etc. His main

concern was what exactly would he have to do to

comply with the Order. I told him, after

consultation with Art Gorov, that Art would call him in the morning (Nov. 9) and explain the order

to him.

Follow-up Required?:

Yes

If yes, by whom?:

Art Gorov

Date of Contact:

11/8/2007

To:

VHammill2@mt.gov, kkelly@mt.gov, dschwinden@mt.gov, mcooney@mt.gov,

jkane@mt.gov, AGorov@mt.gov

Type of Contact:

Legislative

Contact Name:

John Sinrud

Phone Number:

406-539-9654

Describe Contact:

John Sinrud called me at my office at approximately 4:30 pm regarding the Cease & Desist Order generated by the Board of Architects against his firm that went out Oct. 15. The topics of his concerns were many and varied and included that the C&D was politically motivated; that he Boards did not follow due process; that the Governor was out to get him; the board Chairman was out to get him; etc. His main concern was what exactly would he have to do to comply with the Order. I told him, after consultation with Art Gorov, that Art would call him in the morning (Nov. 9) and explain the order to him.

Follow-up Required?:

Yes

If yes, by whom?:

Art Gorov

Cooney, Mike

From: Gorov, Arthur

Sent: Friday, November 09, 2007 12:06 PM

To: 'MediaContactForm'; Hammill, Vivian (DLI); Kelly, Keith; Schwinden, Dore; Cooney, Mike; Kane,

Jack

Cc: DLI Public Information Office; Kane, Jack

Subject: RE: Media Contact Submission

11/9/07

I have just gotten off of the telephone with Mr. Sinrud. To say that he is adamant in his position that the Cease and Desist Order was politically motivated, would be a gross understatement. I indicated to him several times that this matter was handled like all complaints of unlicensed practice. However, he believes that he was singled out for "special" treatment, my assurances to the contrary notwithstanding. I tried to explain to him what was required of him under the C&D but he really didn't want to hear my explanations. He is convinced that his civil rights have been trampled on and that he has been denied all of his due process rights.

I explained to him that he had several options for removal of the C&D:

1. Petition the Board to vacate the C&D and to afford him a hearing, either by the Board or the Hearings Bureau,

2. File a request for a declaratory ruling that he is not in violation of the licensing statute which will be published and set for public comment before being ruled on by the Board.

File an action for Judicial Review

Wait to see if the Board directs injunctive action and seek a hearing before the Court.

He wanted to know why the C&D order did not enunciate these options. I told him that I fully believed that his attorney knew and could explain to him each of the available options rather than merely send letters enunciating his and Mr. Sinrud's position without seeking any relief.

I am advised that Mr. Sinrud called one of the other attorneys in the office, Pat Bik, and demanded that he be given everything that the Board had before it when it made its decisions. I advised Pat to have him call me if he wanted anything. It has been our policy to refuse to furnish copies of the investigation short of discovery in a judicial proceeding and I will so advise him if he calls. He is entitled to a copy of the recording of the Board's deliberations. However, he has not requested that as yet. I will only get him the tape if he asks for it.

Art Gorov

From: MediaContactForm [mailto:MediaContactForm]

Sent: Thursday, November 08, 2007 6:00 PM

To: Hammill, Vivian (DLI); Kelly, Keith; Schwinden, Dore; Cooney, Mike; Kane, Jack; Gorov, Arthur

Cc: DLI Public Information Office; Kane, Jack

Subject: Media Contact Submission

Media Contact Submission

Submitted By: Ja

Jack Kane

Email:

jkane@mt.gov

Office:

Business Standards Division

BRIAN SCHWEITZER, GOVERNOR

TELEPHONE: (406) 444-4493

FAX: (406) 444-1394 TDD: (406) 444-0532 P.O. BOX 1728 HELENA, MT 59624-1728

November 15, 2007

John M. Sinrud JJKG & Associates, Inc. 303 Mendenhall Street

Mr. Sinrud:

Re: Board of Architects / John Sinrud

Enclosed you will find copies of the materials that were before the Board of Architects at the time it voted to issue the Cease and Desist Order heretofore served on you.

I was advised that the plans will be delayed in copying but didn't want you to have to wait for them. As soon as the copies are received, I will forward them on to you.

Very truly yours

Arthur M. Gorov

Deputy Chief Legal Counsel

406-841-2387

Arthur V. Wittich
Admitted MT & CO

Frederick P. Landers, Jr.
Admitted MT & GA

Margot E. Barg Admitted MT, CA & AR

Hertha L. Lund
Admitted MT



"Thy Liberty in Law"

602 Ferguson Ave., Suite 5 Bozeman, Montana 59718

> Phone: (406) 585-5598 Fax: (406) 585-2811 wlf@law-advisor.com

December 5, 2007

Arthur M. Gorov Deputy Chief Legal Counsel Montana Department of Labor and Industry P.O. Box 1728 Helena, MT 59624-1728

Dear Mr. Gorov:

Please forward to me the recording of the Board of Architects' October, 2007 hearing concerning Representative John Sinrud. If it has already been transcribed, please send me a copy of that as well.

Also, I previously requested a copy of the original complaint against Mr. Sinrud. As I understand it, the complaint was from Martin Crennan. Please provide to me a copy of Mr. Crennan's written complaint. If the complaint was not written, please provide a copy of the phone log/entry form describing the original complaint.

Finally, in the December 4, 2007 Billings Gazette, you are quoted as saying that "there are several ways to undo this. I'm sure his lawyer will undo this." Please explain to me how one can "undo" a cease and desist order from the Board of Architects, other than appealing it to district court. Thank you.

Sincerely,

Arthur Wittich 18 -

AVW/rj

cc: Client

Arthur V. Wittich

Frederick P. Landers, Jr.

Admitted MT & GA

Margot E. Barg

Hertha L. Lund



"Thy Liberty in Law"

602 Ferguson Ave., Suite 5 Bozeman, Montana 59718

> Phone: (406) 585-5598 Fax: (406) 585-2811 wlf@law-advisor.com

December 19, 2007

Arthur M. Gorov Deputy Chief Legal Counsel Montana Department of Labor and Industry P.O. Box 1728 Helena, MT 59624-1728

Dear Mr. Gorov:

Please consider this letter a formal request for all complaints received by the Board of Architecture during the last ten years against any individual or entity practicing architecture without a license. I would also like a complete file copy showing the disposition of each complaint (i.e., whether dismissed or acted upon by the Board.)

I am happy to pay for all copy costs, and would be happy to review the files in Helena to mark for copying, if that is more convenient.

I anxiously await your response.

Sincerely,

Arthur V. Wittich

AVW/rj

Office of Legal Services

BRIAN SCHWEITZER, GOVERNOR

TELEPHONE: (406) 444-4493

FAX: (406) 444-1394 TDD: (406) 444-0532 P.O. BOX 1728 HELENA, MT 59624-1728

December 21, 2007

Arthur W. Wittich Wittich Law Firm 602 Ferguson Avenue, Suite 5 Bozeman, MT 59718

Mr. Wittich:

On receipt of your December 19th letter, I inquired of the Information Technology staff as to whether they could furnish the information your were requesting. You will find enclosed what they have been able to furnish to me.

Very truly yours,

Arthur M, Gorov 406-841-2387

Board of Architects Unlicensed Practice Complaints

poard Description	Complaint Category	Comp#	Docket#	Decision Date Decision		Clocod Date
Architects and Landscape Architects	Unlicensed Practice/Advertising	2003-4-ARC		7/16/2003 Diemies (with Draindias)	(ocipa)	Closed Date
Architects and Landscape Architects	Unlicensed Practice/Advertising	2002 8 ABC		VIOLEGO DISTINS (WILL PIE	naice)	// Ib/ZUU.3
Architects and Landecape Architects	The state of the s	JUN-0-6002		4/5/2004 Dismiss (with Prejudice)	ndice)	4/5/2004
Architoto and Landscape Alchitects	Unicensed Practice/Advertising	2003-7-ARC		4/5/2004 Injunction/Cease and Desist	and Desist	4/29/2004
Alchitects and Landscape Architects	Unlicensed Practice/Advertising	2003-9-ARC		7/16/2003 Dismiss (with Prejudice)	udice)	7/16/2003
Architects and Landscape Architects	Unlicensed Practice/Advertising	2003-12-ARC		7/16/2003 Injunction/Cease and Desist	and Deciet	7/16/2003
Architects and Landscape Architects	Unlicensed Practice/Advertising	2004-2-ARC		4/5/2004 Dismiss (with Praindica)	Indica)	4/5/2004
Architects and Landscape Architects	Unlicensed Practice/Advertising	2004-4-ARC		10/20/2004 Injunction/Cease and Desist	adice)	11/22/2004
Architects and Landscape Architects	Unlicensed Practice/Advertising	2005-2-ARC		4/4/2005 Injunction/Cease and Desict	and Design	4/4/2005
Architects and Landscape Architects	Unlicensed Practice/Advertising	2005-4-ARC		7/18/2005 Dismiss Without Dealing	and Design	4/4/2003
Architects and Landscape Architects	Unlicensed Practice/Advertising	2005-5-ARC		A 14 2000 Dismiss William F	ejnaice	007/81//
Architects and Landscape Architects	Unlicensed Practice/Advertising	2005 8 ABC		4/4/2003 Dismiss Without Prejudice	rejudice	4/4/2005
Architects and Landscape Architects	Pillono A Caracia Pacino Caracia I	JUN-0-0002		//18/2005 Injunction/Cease and Desist	and Desist	9/15/2005
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Architects and Landscape Architects	Unlicensed Practice/Advertising	2007-2-ARC		10/23/2006 Tabled	dailer)	1112000
Architects and Landscape Architects	Unlicensed Practice/Advertising	2007-6-ARC		7/16/2007 Dismiss Without F		-000,071
Architects and Landscape Architects	2001-8-ARC	16-Oct-00		O los of Islantisation Figurica	iejudice .	//16/200/
Architects and Landscape Architects	2001-8-ARC	16-Oct-00		25 Oct 04 Discussing a legislation	normation	25-Oct-01
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Architects and I and again Architects	JAK-0-002	3-Mar-03		16-Jul-03 Dismiss (with Prejudice)	udice)	16-Jul-03
Architects and Landscape Architects	ZUU6-6-ARC	24-Jan-06	24-Jan-06 CC-06-0210-ARC	10-Apr-06 Notice	,	17-101-06
Alchitects and Landscape Architects	2006-6-ARC	24-Jan-06	24-Jan-06 CC-06-0210-ARC	17-Jul-06 Multiple Sanctions		17-1-106
Architects and Landscape Architects	2007-8-ARC	4-Jun-07		15-Oct-07 Tabled		00-50
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Board of Architects Unlicensed Practice Complaints

Board Description	Complaint Category	Comp#	Docket#	Decision Date	Decision	Closed Date
Architects and Landscape Architects	Unlicensed Practice/Advertising	1997-1-ARC		9/10/1996 L	9/10/1996 Dismiss (with Prejudice)	9/10/1996
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-3-ARC		4/2/1999 Ir	4/2/1999 Injunction/Cease and Desist	4/2/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-4-ARC		4/2/1999	4/2/1999 Injunction/Cease and Desist	4/2/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-5-ARC		7/9/1999 Ir	7/9/1999 Injunction/Cease and Desist	10/6/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-6-ARC		4/2/1999 Ir	4/2/1999 Injunction/Cease and Desist	4/2/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-7-ARC		4/2/1999 II	4/2/1999 Injunction/Cease and Desist	4/2/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-8-ARC		4/2/1999 Ir	4/2/1999 Injunction/Cease and Desist	4/2/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-9-ARC		4/2/1999 It	4/2/1999 Injunction/Cease and Desist	4/2/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-10-ARC		9/27/1999 L	9/27/1999 Dismiss (with Prejudice)	9/27/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-11-ARC		1/5/2000 Ir	1/5/2000 Injunction/Cease and Desist	1/5/2000
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-12-ARC		7/11/2000 E	7/11/2000 Dismiss Without Prejudice	7/11/2000
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-13-ARC		7/11/2000 lr	7/11/2000 Injunction/Cease and Desist	7/11/2000
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-14-ARC		7/8/1999 D	7/8/1999 Dismiss Without Prejudice	7/8/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-15-ARC		7/11/2000 D	7/11/2000 Dismiss Without Prejudice	7/11/2000
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-16-ARC		7/11/2000 D	7/11/2000 Dismiss Without Prejudice	7/11/2000
Architects and Landscape Architects	Unlicensed Practice/Advertising	1998-17-ARC		7/1/2000 D	7/1/2000 Dismiss Without Prejudice	7/1/2000
Architects and Landscape Architects	Unlicensed Practice/Advertising	1999-3-ARC		7/8/1999 D	7/8/1999 Dismiss Without Prejudice	7/8/1999
Architects and Landscape Architects	Unlicensed Practice/Advertising	1999-4-ARC		10/9/2001 lr	10/9/2001 Injunction/Cease and Desist	10/9/2001
Architects and Landscape Architects	Unlicensed Practice/Advertising	2000-1-ARC		1/5/2000 D	1/5/2000 Dismiss Without Prejudice	1/5/2000
Architects and Landscape Architects	Unlicensed Practice/Advertising	2000-2-ARC		7/17/2000 D	7/17/2000 Dismiss Without Prejudice	7/11/2000
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Architects and Landscape Architects	Unlicensed Practice/Advertising	2001-3-ARC		10/9/2001 Ir	10/9/2001 Injunction/Cease and Desist	10/9/2001
Architects and Landscape Architects	Unlicensed Practice/Advertising	2001-4-ARC		10/9/2001 D	10/9/2001 Dismiss Without Prejudice	10/9/2001
Architects and Landscape Architects	Unlicensed Practice/Advertising	2001-6-ARC		1/9/2001 D	Dismiss Without Prejudice	1/9/2001
Architects and Landscape Architects	Unlicensed Practice/Advertising	2001-7-ARC		1/9/2001 D	1/9/2001 Dismiss (with Prejudice)	1/9/2001
Architects and Landscape Architects	Unicensed Practice/Advertising	2001-10-ARC		1/9/2002 D	1/9/2002 Dismiss (with Prejudice)	10/9/2001
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Architects and Landscape Architects	Unlicensed Practice/Advertising	2002-2-ARC	7,000	1/9/2002 D	1/9/2002 Dismiss Without Prejudice	1/9/2002
Architects and Landscape Architects	Unlicensed Practice/Advertising	2002-3-ARC		4/1/2002 lr	4/1/2002 Injunction/Cease and Desist	4/29/2002
Architects and Landscape Architects	Unicensed Practice/Advertising	2002-4-ARC		7/8/2002 D	7/8/2002 Dismiss Without Prejudice	7/8/2002
Architects and Landscape Architects	Unicensed Practice/Advertising	2002-5-ARC	7.75	10/3/2002 D	10/3/2002 Dismiss Without Prejudice	10/3/2002
Architects and Landscape Architects	Unicerised Practice/Advertising	2002-6-ARC	77,000	5/29/2002 D	5/29/2002 Dismiss (with Prejudice)	5/29/2002
Architects and I and scape Architects	Uniconsed Profits // d	2002-7-ARC		10/3/2002 lr	10/3/2002 Injunction/Cease and Desist	10/22/2002
Architects and Landscape Architects	Uniconced Practice/Advertising	2002-8-ARC		10/3/2002 D	10/3/2002 Dismiss Without Prejudice	10/3/2002
Architects and I and cape Architects	Unicensed Practice/Advertising	2002-9-ARC		10/3/2002 lr	10/3/2002 Injunction/Cease and Desist	10/22/2002
Architects and Landscape Architects	Unicersed Practice/Advertising	2002-10-ARC		10/3/2002 Ir	10/3/2002 Injunction/Cease and Desist	10/22/2002
Architects and I andscape Architects	Unicensed Practice/Advertising	2002-11-ARC		10/3/2002 D	10/3/2002 Dismiss (with Prejudice)	10/3/2002
Architects and Landscape Architects	Unlicensed Practice/Advertising	2002-12-ARC		5/29/2002 D	5/29/2002 Dismiss (with Prejudice)	5/29/2002
Architects and Landscape Alchitects	Unlicensed Practice/Advertising	2002-13-ARC		7/8/2002 D	Dismiss (with Prejudice)	7/8/2002
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Architects and I andscape Architects	Unicersed Practice/Advertising	2003-2-ARC		10/3/2002 D	Dismiss (with Prejudice)	10/3/2002
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12/21/2007

STATE OF MONTANA DEPARTMENT OF LABOR AND INDUSTRY BUSINESS STANDARDS DIVISION

SEP # 2000 LEGAL SERVICES

301 South Park Avenue, Room 430 PO Box 200513 Helena, MT 59620-0513 (406) 841-2300

REPORT OF INVESTIGATION case# <u>2008-001-4</u>R C

INVESTIGATOR BY LONG DATE 8-3/-0 > LEGAL REVIEW WHILE BULL DATE 1/0/07

REQUEST FOR INVESTIGATION

TO:	Art Gorov, Department Counsel
FROM:	Vicki Bair
BOARD:	Architects
RE:	2008-001-ARC John Sinrud, JJKG & Associates, INC.
DATE:	July 19, 2007
	e following to be assigned for investigation: omplaint License Application
The concurren	ce has been attained from:
X	The full Board motion of7/16/2007
	Date
I1	ndividual screening panel member by
	Name
	Phone call on
	Date
	Letter received from above-member on
	Date
Stand	ing Order of the Board to Immediately Investigate Unlicensed Practice

Summary of Allegation: The Board office received a phone call from the City Plan Reviewer from Helena regarding an article in the Independent Record indicating Mr. Sinrud owns his own architectural design business in Bozeman, Montana and the City Plan Reviewer stated he is not licensed.

Pertinent Statutes and/or Rules: The complaint alleges matters, which if true, may constitute a violation of the following sections:

Possible violation of ARM 24.114.403 Business Entity Practice & ARM 24.114.405 Qualifications Required for Montana Branch Office

The above-referenced board, or a member thereof, has requested an investigation. Please investigate the matters included in the complaint and any other matters that may arise during your investigation. In conducting your investigation, please attempt to contact both the Respondent and/or Complainant, if applicable. In obtaining supporting documentation, please attempt to obtain certified copies of all records gathered.

The Scope of the investigation should include the following:

- •Determine the type of business entity (partnership, professional limited liability company, professional corporation) and the ownership makeup (who are partners, managers, and/or directors) of JJKG & Associates.
- Whether there are any Montana licensed architects and/or engineers employed by JJKG & Associates and if so, how many.
- Determine whether 2/3 of the total managers or directors are registered anywhere as architects or engineers, and whether 1/3 of the total managers or directors are Montana licensed architects, per ARM 24.114.403.
- •Check with the Building Codes Bureau, Gallatin County, and the City of Bozeman (over the last 10 years) to see if any design plans were ever issued by Mr. Sinrud or by JJKG & Associates that would

require an architect's seal and obtain copies of any of these plans.

Prior to initiating your investigation, please consult with the Supervising Attorney regarding the goals and objectives of the investigation.

PREPARED BY:

Vicki Bair, Compliance Unit

PREPARED ON:

July 19, 2007

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ontana



Report of Investigation

of a complaint received by

The Board of Architects

Case Number:

2008-001-ARC

Supervising Attorney:

Darcee Moe

Investigator:

Bruce A. Duenkler

Complainant:

Board of Architects PO Box 200513

Helena MT 59620-0513

Respondent:

John Sinrud

JJKG and Associates, Inc. 303 West Mendenhall Street

Bozeman MT 59715

Status of Investigation:

Complete

Date of Report:

August 31, 2007

SUMMARY OF COMPLAINT

On July 17, 2007, the Montana State Board of Architects filed a complaint against John Sinrud. The Board alleges that Sinrud may be engaged in the practice of architecture without a license from the Board. The Board also alleges that Sinrud's corporation, JJKG and Associates, Inc. may be holding itself out as able to perform any of the services involved in the practice of architecture without meeting the necessary requirements for such a business entity practice. A copy of the complaint is provided in Attachment 1.

SUMMARY OF RESPONDENT'S WRITTEN RESPONSE

On July 30, 2007, a written response to the complaint was submitted on behalf of John Sinrud by Arthur V. Wittich, Attorney at Law, 602 Ferguson Avenue, #5, Bozeman, Montana, 59718. Wittich said he is representing Sinrud in this matter. Wittich asserted that Sinrud is not a branch office for a national architecture firm and is not a professional corporation or professional limited liability company. A copy of the response is provided in Attachment 2.

Additionally, on April 11, 2007, Sinrud responded to an earlier inquiry from the Board of Architects. In that letter he stated, "I do not hold myself out as an "architect" or a "licensed architect" in any of my business activites. Neither am I engaged in the "practice of architecture," thereby needing a license. The letter is included with the complaint in Attachment 1.

SUMMARY OF EVIDENCE

The booklet, "Lawmakers of Montana," and the web site for JJKG & Associates, Inc., indicated that Sinrud and/or his firm provided "architectural design" services. The Board of Architects does not have any information indicating that any licensed architects are associated with JJKG & Associates, Inc. Sinrud and/or JJKG & Associates, Inc. may be in violation of the following regulations:

Section 37-65-102(5) MCA, "'Practice of architecture' means any professional service or creative work requiring the application of advanced knowledge of architectural design, building construction, and standards and involving the constant exercise of discretion and judgment in those activities, in which the safeguarding of life, health, or property is concerned, as consultation, investigation, evaluation, planning, design, or inspection of construction for nay public or private building."

Section 37-65-301 MCA, "Except as provided in this chapter, no person may practice architecture in this state or use the title "architect" or "licensed architect" or any other words, letters, figures, or other device indicating or intending to imply that he is an architect, without having qualified under this chapter."

Section 24.114.403(2)(a) and (b) ARM, "Nothing shall prevent a professional limited liability company, or a professional corporation from performing or holding itself out as able to perform any of the services involved in the practice of architecture, provided that:

(a) two-thirds of the total managers (if a professional limited liability company), or directors (if a professional corporation) are registered under the laws of any United States jurisdiction or any foreign jurisdiction approved by the board as architects or engineers; and

(b) one-third of the total managers or directors are registered as architects in Montana."

DETAILS OF THE INVESTIGATION

ASSIGNMENT OF INVESTIGATION: July 19, 2007

Included with the complaint were copies of information taken from the Internet web site operated by JJKG and Associates. The web site described numerous projects designed by the company. Some of them are residential and others are commercial. The third page of the web site material also advertised "Architectural Design, Land Planning, Construction Documents and Project Management."

The web site also described commercial projects undertaken by JJKG and Associates. These include Yellowstone Center, Montana Ale Works, Montana Tile and Stone, and Team Bozeman. Other projects such as a Jet Center at Gallatin Field airport and an Antique Mall are listed as "currently under contract." These projects are located within the Bozeman city limits as well as outlying areas of Gallatin County. Currently the web site is not displaying any information about the firm.

I have contacted the Bozeman Planning Department and the Building Codes Bureau in the Department of Labor and Industry to gather more information regarding these projects.

John Sinrud also served in the Montana State in the Montana State House of Representatives during the 2007 Legislative Session. He represented Bozeman House District 67. A booklet called "Lawmakers of Montana" includes biographies of the members of the House and Senate. Sinrud's biography stated that he is "president of JJKG & Associates architectural design firm." The cover page of the booklet, also known as the "Copper Book," stated that the "Contents are provided by those whose photos and biographies appear in the book." Copies of this material are provided in Attachment 3.

The Records of the Board of Architects do not show that there are any Montana licensed architects employed by, or associated with, JJKG & Associates, Inc.

CITY OF BOZEMAN PLANNING RECORDS

I reviewed the four projects in the City of Bozeman with Tim McGough, Senior Plans Examiner, Building Inspection Division, on August 13, 2007. McGough pointed out that the Division has not had any problems with the plans submitted

by Sinrud. He said that on some occasions the Division would ask for additional structural analysis. Then Sinrud would get a review and stamp from a licensed engineer or architect. Plans obtained from Bozeman are on file with the Board of Architects and available for review during the Board Meeting. Other documents obtained in Bozeman are included in Attachment 4.

One of the projects I reviewed in Bozeman was the Yellowstone Center. The plans for this project, done in February 2000, included a first page block denoting Larry Pearson AIA, Bozeman and Bigfork, as project architect. He is not, and was not in 1999, a Montana licensed architect. The plans are on file with the Board.

BUREAU OF BUILDING AND MEASUREMENTS STANDARDS RECORDS

The Department of Labor and Industry, Bureau of Building and Measurements Standards, found 10 projects involving John Sinrud dating back to 2001. I reviewed the records with David Cook, Program Manager, Building Standards, on August 23, 2007. As with the City of Bozeman, Cook explained that Sinrud was always cooperative and would provide analysis from a licensed engineer or architect when it was requested. The plans and documents for the 10 projects submitted to the Bureau of Building and Measurements Standards will be made available to the Board at the meeting. A list of all 10 projects is included in Attachment 5. It should be noted that Montana licensed architect Randy Visser worked with Sinrud on five of the projects.

INTERVIEW WITH ARTHUR WITTICH

I interviewed Arthur Wittich by telephone on August 29, 2007. He is an attorney representing John Sinrud in this matter. I asked Wittich to provide a written response to the allegations in the complaint including the references to Sinrud's firm offering "architectural design" services. I received a letter from Wittich on August 31, 2007, and it is included in Attachment 6.

In the letter Wittich wrote in the third paragraph, "as for Mr. Sinrud's and JJKG, Inc.'s past references to "architectural design" services, under your interpretation of Section 37-65-301 MCA, any business in the state would be prohibited from using "architectural" in their business name, including architectural audio services, architectural lighting services, architectural illistrators, architectural supply, etc. These businesses clearly include "words, letters, figures, or other device" which under your definition would require them to obtain a license from the Board. Clearly this is not what is intended in the Code, nor should it be selectively enforced against my client."

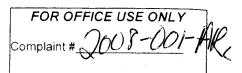
ATTACHMENTS

- 1. Copy of complaint filed by Board of Architects
- 2. Copy of response submitted on behalf of John Sinrud
- 3. Pages from "Lawmakers of Montana"
- 4. Records from City of Bozeman, Building Inspection Division
- 5. List of projects available for inspection from Bureau of Building and Measurements Standards
- 6. Letter from Arthur Wittich



STATE OF MONTANA DEPARTMENT OF LABOR AND INDUSTRY BUSINESS STANDARDS DIVISION 301 S PARK - ROOM 430 PO BOX 200513 HELENA, MONTANA 59620-0513

(406) 841-2300



BOARD NAME: BOARD OF ARCHITECTS	
COMPLAINT AGAINST: John M. Sinrud LICENSE # PROFESSION/OCCUPATION TYPE:	None (If Known)
BUSINESS/FIRM NAME:JJKG & Associates, INCPHON	NE:
ADDRESS: 303 W Mendenhall ST Street or PO Box	Bozeman, MT 59715 City/State Zip Code
NATURE OF COMPLAINT: Please describe in detail the nature of the complaint, give information about telephone calls, controlled the Board alleges Mr. John Sinrud of JJKG & Associates may be in possequired for Montana Branch Office and ARM 24.114.403 Business Entity	racts, etc. Attach additional sheet if necessary. sible violation of ARM 24.114.405 Qualifications
LIST OF WITNESSES AND EVIDENCE: See Attached Document	is .
WHAT ACTION ARE YOU REQUESTING OF THE BOARD OR D To be determined by the Board.	DEPARTMENT?
COMPLAINANT'S NAME: Board of Architects Print Here PHONE#: (406) 8	841-2351
COMPLAINANT'S ADDRESS: PO Box 200513 Street or PO Box	Helena, MT 59620-0513 City/State Zip Code

2298, Eff. 8/25/00; <u>TRANS</u>, from Commerce, 2002 MAR p. 173; <u>AMD</u>, 2006 MAR p. 1381, Eff. 6/2/06.)

- <u>24.114.403 BUSINESS ENTITY PRACTICE</u> (1) When there is a partnership or other business entity of architects, the individual names and license numbers may appear on one seal.
- (2) Nothing shall prevent a professional limited liability company, or a professional corporation from performing or holding itself out as able to perform any of the services involved in the practice of architecture, provided that:
- (a) two-thirds of the total managers (if a professional limited liability company), or directors (if a professional corporation) are registered under the laws of any United States jurisdiction or any foreign jurisdiction approved by the board as architects or engineers; and
- (b) one-third of the total managers or directors are registered as architects in Montana. (History: 35-4-301, 35-8-1304, 37-1-131, 37-65-204, MCA; IMP, 35-4-205, 35-4-207, 35-4-208, 35-4-209, 35-4-301, 35-8-1304, 37-65-101, 37-65-302, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2005 MAR p. 2077, Eff. 10/28/05; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)
- <u>24.114.404</u> ARCHITECT PARTNERSHIPS TO FILE STATEMENT WITH BOARD OFFICE (1) All licensees who enter into partnerships, limited partnerships or profit corporations, subchapter S corporations or any other form of business entity in which their professional talent and service are utilized, shall file with the board office a statement of the existence of the business entity and the licensee's relationship to it. (History: 37-1-131, 37-65-204, MCA; IMP, 35-4-209, 37-65-302, MCA; NEW, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)
- 24.114.405 QUALIFICATIONS REQUIRED FOR MONTANA BRANCH OFFICE (1) No firm, corporation, partnership or individual may establish or maintain within this state, a branch office to engage in the practice of architecture unless such branch office is under the responsible control and direction of a Montana licensed resident architect who is in the branch office a majority of the time the office is open. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-303, MCA; Eff. 12/31/72; AMD, Eff. 7/5/74; AMD, 1980 MAR p. 1720, Eff. 6/27/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)
- 24.114.406 SOLICITATION OF BUSINESS BY NONRESIDENT ARCHITECTS (1) A nonresident architect may offer architectural services in this state without compensation upon submission to the board of verification of the following:
- (a) a current, unrestricted architecture license issued by the state where the architect's principal offices are located; and
 - (b) a current NCARB certificate.
- (2) The nonresident architect may not accept a commission or otherwise engage in the practice of architecture within this state until licensed by the board. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06.)
- 24.114.407 EMERGENCY USE OF ARCHITECTS (1) Nothing shall prevent a person who is not currently registered in this state and is currently registered in another United States or Canadian jurisdiction, from providing uncompensated (other than reimbursement of expenses) professional services at the scene of an emergency at the

Governor Brian Schweitzer

MONTANA BOARD OF ARCHITECTS

March 23, 2007

JOHN M. SINRUD JJKG & ASSOCIATES, INC. 303 W MENDENHALL ST BOZEMAN MT 59715

Certified Receipt #7003 3110 0000 6630 6484

Dear Mr. Sinrud:

It has come to the attention of the Montana Board of Architects that JJKG & Associates, Inc. may be engaging in the practice of architecture without the required responsible control and direction of a Montana licensed resident architect. In accordance with the following administrative rule:

ARM 24.114.405 QUALIFICATIONS REQUIRED FOR MONTANA BRANCH OFFICE (1) No firm, corporation, partnership or individual may establish or maintain within this state, a branch office to engage in the practice of architecture unless such branch office is under the responsible control and direction of a Montana licensed resident architect who is in the branch office a majority of the time the office is open.

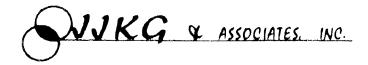
The Board is requesting that you submit a written explanation regarding this matter and/or if you feel that ARM 24.114.405 does not pertain to JJKG & Associates. Your written response must be received in the Board office no later than 10 days of receipt of this letter.

Sincerely,

Brooke T Jasmin

Program Manager (406)841-2351

U.S. Postal Service CERTIFIED MAIL JOHN Mail only: No Insura For delivery information visit our we Postage \$ 3 3 0 Certified Fee Certified Fee Certified Fee Certified Fee Certified Fee Certified Fee JUNG & ASSOCIATES, INC. BOZEMAN MT 59715	2004 Domes	2. Article Number (Transfer from service label) 7003 311.0	BOZEMAN MT 59715	JOHN M. SINRUD JJKG & ASSOCIATES, INC.	Article Addressed to:	Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	SENDER: COMPLETE THIS SECTION Complete Items 1, 2, and 3. Also complete
U.S. Postal Service CERTIFIED MAIL (Damestic Mail Only, No Insurance Coverage Provided) For delivery information visit our website at www.hisps.com Poetage Certified Fee Certified Fee Certified Fee Cortified Fee Cortified Fee Cortified Fee Cortified Fee Certified Fee Cortified Fee	102595-02-M-1540	- 1 -	3. Seprice Type Certified Mail	WAR 28 2007	forn Item 17: 12 Yes	X / WI STATULLY Agent Addressee B. Received by (Printed Name) C. Datte of Delivery KIM SINIUM	COMPLETE THIS SECTION ON DELIVERY A. Signature



Brooke T. Jasmin
Montana Department of
Labor and Industry
301 South Park
Helena, MT 59620-0513
RE: Certified Receipt #7003 3110 0000 6639 6484

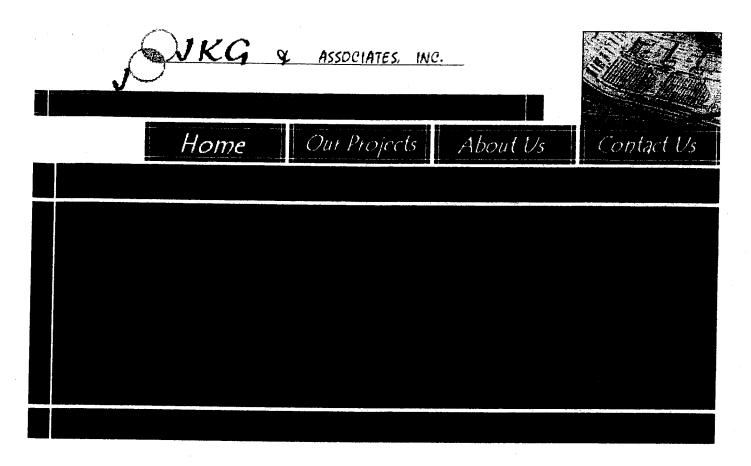
Dear Ms. Jasmin,

I am in receipt of your March 23, 2007 letter. ARM 24.114.405 does not apply to me or my office. I do not hold myself out as an "architect" or a "licensed architect" in any of my business activities. Neither am I engaged in the "practice of architecture," thereby needing a license.

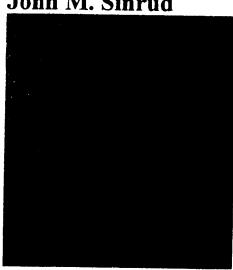
Sincerely,

John Sinrud

JKC & Associates, Inc.







Owner, President 2001 to current JJKG & ASSOCIATES, INC. BOZEMAN, MT

Montana State House of Representatives 2000 to current Elected Representative House District #31

Project Manager Years Employed 1998-2000 LARRY PEARSON, A.I.A. BOZEMAN, MT Client meetings, contract management, construction management project coordination, construction documents, interface with City and County Planning boards, Auto CADD 14 and 2000.

Office Manager Years Employed 1998-2000 LARRY PEARSON, A.I.A. BOZEMAN, MT Managing and scheduling workforce, office coordination.

Project Manager Years Employed 1991-1998 LOCATI ARCHITECTS BOZEMAN, MT Complete construction documents utilizing Auto CADD.

CADD Manager Years Employed 1991
JONATHAN FOOTE, A.I.A. BOZEMAN, MT
Initialized, implemented and maintained Auto CADD system, construction drawings

Draftsman Years Employed 1989-1991
RAFAEL FRANCO AND ASSOCAITES WESTLAKE VILLAGE, CA
Complete construction documents with and emphasis
on commercial projects utilizing Auto CADD.

Draftsman Years Employed 1988-1989
PARKIN ARCHITECTS WESTWOOD, CA
Manual drafting in support of commercial projects.

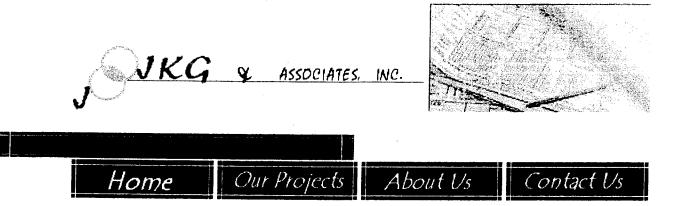
EDUCATION
Auto CADD 1989
PIERCE COMMUNITY COLLEGE NORTHRIDGE, CA
Bachelor of Science – Political Science 1998
MONTANA STATE UNIVERSITY – BOZEMAN BOZEMAN, MT

PROJECTS – COMPLETED Pedersen Residence \$ 700,000 Marsh Residence \$ 500,000 Davis Remodel \$ 200,000 Montana Tile and Stone \$ 400,000 Running Water Ranch \$ 10,000,000 Hammer Ranch \$ 2,000,000 Wiggins Residence \$ 500,000 Bacon Residence \$ 3,500,000 Valley Glass and Windows \$ 750,000

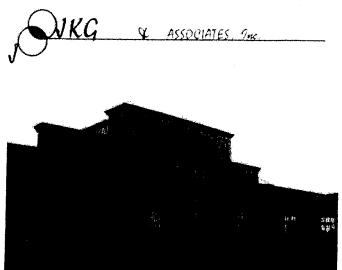
JJKG & Associates 303 W.Mendenhall St, Bozeman 59715

> 406 556 1311 fax 406 556 1307 info@jjkginc.com

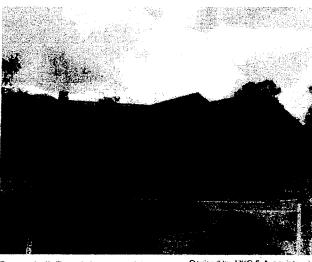
Copyright (C) All rights reserved. JJKG Inc.



Architectural Design, Land Planning, Construction Documents and Project Managem



Yellowstone Center

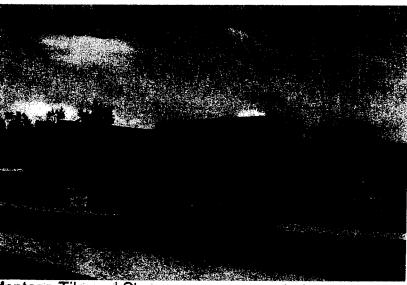


Brendell Residence, Alder

Designed by JJKG & Associates, it



Pedersen Residence, Bridger



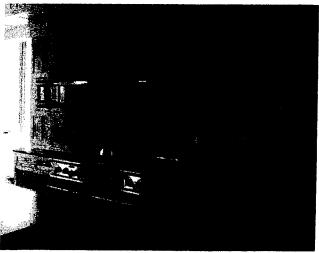
Montana Tile and Stone

Co designed with LPAIA

Designed by JJKG & Associates, Inc



Pedersen Residence, Bridger

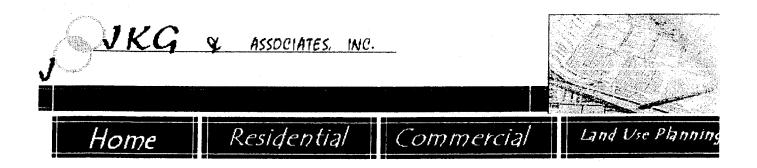


Designd by JJKG & Associates, Ir

JJKG & Associates 303 W.Mendenhall St, Bozeman 59715

406 556 1311 fax 406 556 1307 info@jjkginc.com

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Project: Yellowstone Center

Location: Technology Park, Bozeman

Description: Office complex, Single owner use

Square Footage: 3,500

Notable Facts: Needed to blend old west facade into modern technology park. Project had to go through Technology Park review process as well the Bozeman City planning and review process. Both aspects w coordinated to everyone's satisfaction.

Status: Building completed and occupied in 2001



Project: Montana Ale Works

Location: East Main Street, Bozeman

Description: Historic old train repair building

Square Footage: 9,000

Notable Facts: Old stone building once belonged to Burlington Northern being used as a commercial trainand storage depot. Restored and remodeled entire stricture. Salvaging this structure was the watershed ever for renewal of Bozeman's east Main. We accomplished all that we hoped to achieve for the design despit City design opposition.

Status: Building completed and occupied by a popular pub, billiard hall, and high-end restaurant serving fusion cuisine.



Project: Montana Tile & Stone

Location: Four Corners west of Bozeman

Description: Single owner use industrial building. Showroom area, storage and manufacturing of countertops

Square Footage: 6,000

Notable Facts: Working with owner to accommodate current as well as projected future business needs.

Status: Completed in 2001 and occupied since then by owner.



Project: Team Bozeman

Location: Simmental Way, Bozeman

Description: Reconfigure existing industrial building for new use

Square Footage: 8,300

Notable Facts: An existing building not approved by City Building Dept. Project had to go through majo review. We worked with the City officials on many areas of compromise that saved the client time and money yet met the needs of the Building Dept. City also assessed an impact fee of \$40,000, which we negotiated down to zero.

Status: City approved project and released occupancy permit. Client in building and operating business.



The following projects are currently under contract:

Land Planning: Los Lunes, New Mexico: 28 acres, 143 residential units

Commercial: Jet Center, Gallatin Field: \$500,000 private airport facility

Commercial: Antique Mall Remodel: 4,000 s.f. addition at a cost of approximately \$300,000

JJKG & Associates
303 W.Mendenhall St, Bozeman 59715
info@jjkginc.com

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Montana Secretary of State BRAD JOHNSON

Registered Principals Search

Instructions

S

Search Tips

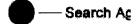
Click the name of an entity to view details.

IMPORTANT: The results of your search are seperated into two sections. The first section lists the first 115 Corporations and LLCs found. If there are 115 result returned, there may be additional entities associated v individual you are searching for. The second section lists all other entity types.

PLEASE NOTE: The second set of results may not be exact matches, but will include all possible records n your search criteria. Please ensure you review both sets of results.

Name	Address	Name of Entity	Type of Entity	Position
JOHN M SINRUD	284 FRONTIER DR BOZEMAN MT 59718	JJKG & ASSOCIATES, INC.	Corporation	PRESIDENT
JOHN M SINRUD	284 FRONTIER DR BOZEMAN MT 59718	JJKG & ASSOCIATES, INC.	Corporation	DIRECTOR
JOHN SINRUD	284 FRONTIER DR BOZEMAN MT 59718	R.J.B. DEVELOPMENT CO., L.L.C.	LLC	LIMITED LIABILITY COMP. INDIVIDUAL MANAGER
JOHN SINRUD	284 FRONTIER DR BOZEMAN MT 59718	REVOLUTION DEVELOPMENT L.L.C.	LLC	LIMITED LIABILITY COMP. INDIVIDUAL MANAGER

Total Results: 4



Montana Secretary of State

BRAD JOHNSON

Registered Principals Search

Instructions Search Tips

Name

JJKG & ASSOCIATES, INC.

City

BOZEMAN

Principal Information

Position
DIRECTOR
DIRECTOR
PRESIDENT
VICE PRESIDENT
SECRETARY
TREASURER

Name	
JOHN M SINRUD	
KIMBERLY A SINF	RUD
JOHN M SINRUD	
VACANT	
KIM SINRUD	
KIM SINRUD	

Address	
284 FRONTIER DR	BOZEMAN

284 FRONTIER DR

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BOZEMAN



M.

Home	News	Sports	Weekly Features	Arts & Leisure	Special Sections	Classifieds	Subsc
Links			,	•	,	, ,,	
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Sinrud at center of budget storm

By CHARLES S. JOHNSON - IR State Bureau - 03/19/07

When John Sinrud got married at age 19, his wife took one look at his checkbook, which hadn't been balanced for months.

"She said, 'My gosh, what have you done? We're going to take that away from you,' " he recalled.

So Kim Sinrud, a newly minted Montana State University accounting graduate who had taken a job as a contract auditor for the Department of Defense in Los Angeles, took immediate charge of the family finance

Rep. John Sinrud, R-Bozeman, told the story on himself with some irony, knowing full well that Democrats will chide him for it.

Today, 20 years later, Sinrud serves as chairman of the powerful House Appropriations Committee. The panel has recommended that Montana spend \$7.5 billion in total funds to run state government the next tw years.

He is quick to add he has long since learned how to handle money, both personally and for his Bozemanarea architectural design business. He told how he and his wife lived frugally in Los Angeles, setting aside just \$5 a week for entertainment.

"I learned to work within the parameters of budgets and income," he said. "If you don't have the money, you can't spend it."

Sinrud is at the center of the political maelstrom at the Legislature over setting Montana's budget for the ne two years. He is in a bitter fight with Democrats over the Republicans' decision to break the traditional single state budget bill into eight measures. The flak doesn't bother Sinrud.

"I've been described as a bully and everything else," he said recently. "If we don't try something new, we're never going to get any other results."

His goal is to reduce the increases in state spending and return more of the projected \$1 billion surplus to taxpayers.

"You're only here for a time," Sinrud said. "If you can't vote your conscience and make a change, what are you going to accomplish? If people don't like what you're doing, and you believe what you're doing is right, then let your critics run against you. You have to live with yourself."

The way Sinrud sees it, he is doing exactly what he promised.

"I ran on a ticket of pro-life, property rights, less taxes, being fiscally astute and responsible, and if I can't gelected on those fundamental principles, that's OK," he said.

House Speaker Scott Sales, R-Bozeman, said Sinrud, an old friend who goes to the same church, didn't seek out the s Appropriations chairmanship.

"He has that tenacity where he wants to know and he wants to know why, and that's why I picked him," Sal said. "I picked him because he has a keen zeal for wanting to learn the process."

House Minority Leader John Parker, D-Great Falls, said he opposes with what Sinrud and Republicans have

done to the budget process.

"However, I've found him to be a staunch supporter of protecting the public from sex offenders," said Parke a prosecutor.

Rep. Jon Sesso, D-Butte, who sits on the Appropriations Committee, called Sinrud "a hard-working legislator," but added, "I wish he was a little bit more open-minded to all points of view."

Sinrud is a Washington state native whose family moved to the Bitterroot when he was 2 years old. After graduating from Hamilton High School, he enrolled at MSU where he took architecture for five quarters, dropping out when he came down with mononucleosis.

In Los Angeles, Sinrud worked nights monitoring machines for an alarm company. He later worked for an architectural firm and picked up his computer automated design and drafting credentials at a community college there.

After four years in California, the Sinruds were ready to return to Montana and wanted to become active in politics. He worked for some area architectural firms before opening a business in 2002 to do architectural design and land planning.

"It's difficult to run a business and be in the Legislature," Sinrud said, estimating he will lose \$70,000 over to session's four months. "Only by the grace of God do I have good clients and I am able to make it."

While working full-time, Sinrud went back to MSU and completed his bachelor's degree in 1998, but in political science, not architecture.

One of his political science professors was Rep. Franke Wilmer, a freshman Democratic legislator from Bozeman.

"He was always a very good student — very attentive and very engaged," Wilmer said. "I enjoyed having hi in class. He was a hard worker, articulate and in some ways a kind of naturally gifted speaker."

As a legislative colleague, however, Wilmer criticized what Sinrud and other Republicans have done to the budgeting process.

"It's not about John," she said. "It's about a political move he played a leadership role in."

Sinrud was picked to fill a vacant legislative seat in 2002, winning the race for it later that year and twice since.

Sinrud doesn't see himself seeking higher office, but wants to make a difference as a legislator. That's why he and others have taken on the budget fight.

"If most Montanans came up here and looked at the (former) budgeting process, they'd be amazed at how we've made it," he said. "They would see why there's a continual increase in government spending. We never look at any existing programs. You only evaluate the new ones.

Please login	to enter comment :	and the state of t	t make to the last of a reason supply you are
Member ID:			
*Password:			
	Forgot Your Password?		
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Click here to	register		
Reader Com	ments:		e Mill de Viller (debiter deler recht von Viller de gesche
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Arthur V. Wittich

Frederick P. Landers, Jr.
Admitted MT & GA

Margot E. Barg
Admitted MT, CA & AR

Hertha L. Lund
Admitted MT



"Thy Liberty in Law"

602 Ferguson Ave., Suite 5 Bozeman, Montana 59718

> Phone: (406) 585-5598 Fax: (406) 585-2811 wlf@law-advisor.com

JUL 3 0 2007

July 26, 2007

DELIVERED VIA MAIL

Vicki Bair Compliance Specialist Montana Department of Labor and Industry PO Box 200513 Helena, MT 59620

Re: John M. Sinrud, Complaint No. 2008-001-ARC

Dear Ms. Bair:

I represent John M. Sinrud, who recently received your Complaint No. 2008-001-ARC dated July 19, 2007. At the outset, I object to the process being employed by the Montana Board of Architects in this matter. While you state that Mr. Sinrud has the "right to observe" the future Board deliberations, there is no real opportunity to know the specific charges or complaints (or complainants) against him, nor any real ability to defend. It also seems that the same people who have filed the complaint (i.e., the Board of Architects) will also decide the outcome of the complaint. This fails any constitutional due process test, and also fails even the due process afforded to people coming before your Board under the Montana Code.

In your complaint you state that Mr. Sinrud "may" have violated ARM 24.114.405 and 24.114.403. However, Mr. Sinrud is neither a branch office for a national architecture firm, nor is his company a professional corporation or professional limited liability company. Nothing in your "list of witnesses and evidence" attached to your complaint shows anything other than these facts.

Instead you include copies of Mr. Sinrud and JJK & Associate, Inc.'s website pages, the Montana Secretary of State's records, and as a newspaper article on Mr. Sinrud's political activities from the Helena Independent Record. Nowhere in your complaint do you offer any evidence on how Mr. Sinrud or his company's activities relate to the ARM violations.

Before responding further, please provide to me at your earliest convenience:

- 1. Name of the original complainant and actual complaint filed.
- 2. Names of the Board of Architecture who brought Complaint No. 2008-001-ARC.
- 3. Names of the Board of Architecture who will decide any disposition from the complaint.

ATTACHMENT 2

4. Any public files concerning other people who have been charged with similar violations, and the final disposition.

Thank you.

Sincerely,

Arthur V. Wittich

AVW/sj

Lawmakers of Montana

LEGISLATIVE SESSION OF 2007

Edited and published by Pamela Patrick Langley; sponsored by those whose names are on pages two to four. Contents are provided by those whose photos and biographies appear in the book. Copies are available for purchase at the Montana Historical Society.

Lawmakers of Montana

A great tradition dating back more than half a century, "Lawmakers of Montana" was first published for the 1951 session of the Montana Legislature.

The first edition had a light green cover which noted it was "Compliments of Sen. J. Hugo Aronson." History buffs know that Aronson, a Republican oil producer from Cut Bank, was elected Montana governor the following year. The first book was compiled by E.N. Joffray who was an assistant sergeant-at-arms. It is unclear whether he served in the Senate or the House of Representatives. In addition to Gov. John Bonner, Lt. Gov. Paul Cannon and the legislators, photos of the secretary of the senate, chief clerk of the house and sergeant-at-arms in both bodies appeared in the first book. This, however, was the only year staff photos were printed.

Subsequent "Lawmakers of Montana" in the 1950's had light colored covers until 1959 when the cover was metallic gold, similar to the copper cover today. Those editions were "Compliments of The Independent Record." The only session since 1951 for which "Lawmakers of Montana" was not published was 1961. This was roughly the time the Anaconda Copper Company sold its Montana newspapers, including Helena's Independent Record, to Lee Enterprises. Former Montana Gov. Tim Babcock and Jerome Anderson, a long-time lobbyist who served in the House, have confirmed that this is why no book was published for that session.

Publication resumed for the 1963 session and has continued until today with basically the same format. These versions have all had metallic copper covers, hence the book's nickname, the "Copper Book." The Anaconda Company, Butte, published the book until it became a subsidiary of Atlantic Richfield. When, for the 1987 session, Atlantic Richfield announced it would no longer publish "Lawmakers of Montana," a group of trade associations banded together to assure this yearbook of legislators would continue to be printed.

The "Copper Book" remains a valuable resource for legislators, lobbyists and reporters as well as the public with its photos and background information about each of the 150 legislators plus the governor and the lieutenant governor—thanks to those listed at the front of the book who have chosen to be sponsors of this great Montana tradition.

Pam Patrick Langley, publisher & editor

Jon C. Sesso - Butte, District 76, Democrat. Born Nov. 15, 1953 in Racine, Wisconsin, and came to Montana in 1978; Wisconsin high school graduate; B.A. communications, M.A. communications and environmental studies, University of Wisconsin, Madison; Butte Silver Bow City-County Planning Director; Montana Assn. of Planners board; Montana Consensus Council; Montana Geographic Information Council board; Upper Clark Fork River Steering Committee; several local ad-hoc committees for land use and environmental cleanup projects; science fair and speech competition judge; served in House since 2005; wife's name is Barbara Kornet.



Jon C. Sesso

John Sinrud - Bozeman, District 67, Republican.

Born Aug. 30, 1967 in Edmonds, Washington, and

came to Montana in 1969; Hamilton High graduate; B.S. in political science, Montana State

University; president of JJKG & Associates

architectural design firm; Belgrade City board of

adjustments, five years; Heritage Christian School

board member five years; former College Republicans president; served in House since 2002; wife's name is Kimberly, they have two

children, Joshua and Grace.



John Sinrud

Veronica Small-Eastman - Lodge Grass, District 42, Democrat. Born Nov. 6, 1955 at Crow Agency; Lodge Grass High graduate; bachelors in business education and masters in school administration, Montana State University; high school business teacher and school-to-work coordinator; Our Lady of Loretto Catholic Church former parish council president; Lodge Grass School-Community Committee; served in House since 2003; husband's name is Sid Eastman, they have four children, Cecile, Dennis, George and Sydney Jean.

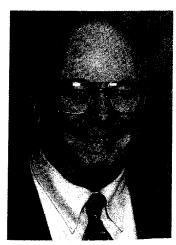


Veronica Small-Eastman



Jon Sonju

Wayne Stahl - Saco, District 35, R Nov. 22, 1952 in Glasgow; Saco attended USMA and Montana S contractor; Saco Town Council Phillips County Commissioner; Point; served in House since 20 children, Joshua Stahl and Jennifer two grandchildren, Dyllan and Ch



Ron Stoker



Bozeman City-Building Dept. North Bozeman Av. P.O. Box 640 Bozeman, MT 59715

December 12, 1997

Re: Valley Glass & Windows

Calvin Doerksen,

In response to your review corrections/clarifications please note the following

Miscellaneous review items	Item #5.	See sheets A2.0 (notes) and A2.1 (details)
Existing Requirements	Item #1A.	See Sheet A2.0 for Door #16 swing change
Accessibility	Item #9A.	See Sheet A8.0 for toilet clearance revision
Wood Structure	Item #7. Item #8. Item #9. Item #16. Item #17. Item #18.	See attached truss structural calculations See sheets A1.0 & A5.0 under Nailing Schedule See sheet A5.1 for note See detail 7/A5.2 for strap information See detail 1/a5.2 for framing anchor information See sheet A1.0 for solid bearing information
Light, Ventilation & Energy	Item #3C. Item #3D.	See sheet A2.0 Boiler room 114 See sheet A2.1 Light Industrial Mezzanine

Electrical	Item #1. Item #5 Item #7.	See attached drawings See attached drawings See attached drawings		
Miscellaneous	Item #1.	See attached drawings		
	Item #2.	See sheet A2.1 for details		
	Item #3.	See sheet A4.0 for note		
	Item #4.	See sheet A2.0 and A4.0 for notes		

If you have any questions please call. Thank you for your time and effort in working with us to make the building permit review process go smoothly.

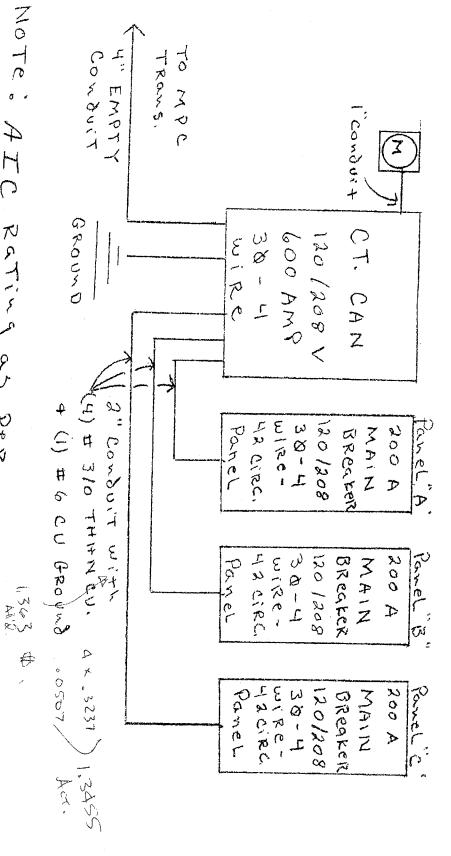
Sincerely,

Colon Dines

John Sinrud Locati Architects

CC:

Frank & Steve Armknecht, File



Note: AIC Rating as DeR Jim Cale From Montana Power Company is 21,000

ONE Line Diagram

Valley Glass + Window

Valley Glass + Window

ELECTRICAL LOAD Calculations

Lighting = 24,480 watts

Heating = 2,400 watts

Air conditioning = 19,800 watts

208 Volt Equip. = 48,400 watts

Receptacle's = 20,520 watts

MAIN SERVICE = 600 AMP - 3 Phase -

Actual Connected Load = 723 AMPS.

Connected Load "A" Phase = 167 Amps "B" Phase = 167 Amps "c" Phase = 167 Amps

CIT OF BOZEMAN BUILDING DI\ ION BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RESIDENTIALCOMMERCIALVALUATION OF	PROJECT: \$	
SITE ADDRESS 20 Rawhide Ridge		
PROJECT OR BUSINESS NAME: Int. Home & Bo	eth Vall	y clare
LEGAL DESCRIPTION:SECTION	RANGE	•
LOT 3 BLOCK 6 SUBDIVISION Gard No	1-Simmental	ZONING
APPLICANT'S NAME John - Locati Arch		
PROPERTY OWNER'S NAME Frank Armknecht		,
GENERAL CONTRACTION Steve & Frank Armker	een PHONE	
PLUMBERS NAME (if applicable)		
ELECTRICIAN'S NAME (if applicable)	· · · · · · · · · · · · · · · · · · ·	
PROJECT DESCRIPTION: Retail Store		
NDICATE TYPE OF SEWER / WATER SERVICE PROPOSED FOR S	SUBJECT PROJEC	CT (if applicable):
CITY WATER / SEWER SERVICES O WELL / SEPTIC	O OTHER	
levelopment proposals which need building permits, pursuant to Section 18.62.030 of the B completed by the applicant and approved by the appropriate authorities prior to building permit is accepted without a signature. Incorrect information provided in conjunction with this APPLICA accupancy permits	suance. All blanks must b	e completed. Applications will not l
FOR DEPARTMENTAL USE ONLY BEL	OW THIS LINE	
CITY-COUNTY PLANNING DEPARTMENT	() Approved	() Disapproved
GALLATIN COUNTY PLANNING OFFICE	() Approved	() Disapproved
BOZEMAN FIRE DEPARTMENT	() Approved	() Disapproved
RURAL FIRE DEPARTMENT	() Approved	() Disapproved
WATER / SEWER DEPARTMENT	() Approved	() Disapproved
COUNTY ENVIRONMENTAL HEALTH DEPARTMENT • FOOD SERVICE	() Approved	() Disapproved
ENGINEERING DEPARTMENT	() Approved	() Disapproved
STREET / SANITATION DEPARTMENT	() Approved	() Disapproved
GALLATIN COUNTY ROAD OFFICE	() Approved	() Disapproved
MONTANA DEPARTMENT OF TRANSPORTATION	() Approved	() Disapproved
disapproved, what is required to remedy deficiency(ies)?		
EPARMENTAL SIGNATURE	DA	TE
IMPACT FEE COORDINATOR	() Approved	() Disapproved
UTHORIZED SIGNITURE	DA	TE

CIT OF BOZEMAN BUILDING DIV NON BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RESIDENTIALCOMMERCIALVALUATION OF	PROJECT: \$	
SITE ADDRESS 20 Rawhide KidGe		7
PROJECT OR BUSINESS NAME: Int. Home & Bo	the Wal	by bloss
LEGAL DESCRIPTION:SECTION	RANGE	TOWNSHIP
LOT 3 BLOCK 6 SUBDIVISION Gard No	n-Simmental	ZONING
APPLICANT'S NAME John - Locati Arch		
PROPERTY OWNER'S NAME Frank Armenecht		•
BENERAL CONTRACTION Steve & Frank Armker		
PLUMBERS NAME (if applicable)		
ELECTRICIAN'S NAME (if applicable)		
PROJECT DESCRIPTION: Ketail Store		
NDICATE TYPE OF SEWER / WATER SERVICE PROPOSED FOR S	SUBJECT PROJEC	CT (if applicable):
CITY WATER / SEWER SERVICES O WELL / SEPTIC	O OTHER_	
to building or other structure shall be erected, moved, added to or structurally altered without value evelopment proposals which need building permits, pursuant to Section 18.62.030 of the Bompleted by the applicant and approved by the appropriate authorities prior to building permit is eccepted without a signature. Incorrect information provided in conjunction with this APPLICA eccupancy permits	ozeman Municipal Code. suance. All blanks must b TION may result in the c	This APPLICATION form must be be completed. Applications will not be
FOR DEPARTMENTAL USE ONLY BEL	OW THIS LINE	
CITY-COUNTY PLANNING DEPARTMENT	() Approved	() Disapproved
GALLATIN COUNTY PLANNING OFFICE	() Approved	() Disapproved
BOZEMAN FIRE DEPARTMENT	Approved	() Disapproved
RURAL FIRE DEPARTMENT	() Approved	() Disapproved
WATER / SEWER DEPARTMENT	() Approved	() Disapproved
COUNTY ENVIRONMENTAL HEALTH DEPARTMENT • FOOD SERVICE	() Approved	() Disapproved
ENGINEERING DEPARTMENT	() Approved	() Disapproved
STREET / SANITATION DEPARTMENT	() Approved	() Disapproved
GALLATIN COUNTY ROAD OFFICE	() Approved	() Disapproved
MONTANA DEPARTMENT OF TRANSPORTATION	() Approved	() Disapproved
disapproved, what is required to remedy deficiency(ies)?		
EPARMENTAL SIGNATURE	DA	TE11 (21 (9)
IMPACT FEE COORDINATOR	() Approved	() Disapproved
THORIZED SIGNITURE	DA1	ΓE

CIT OF BOZEMAN BUILDING DIT SION BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RESIDENTIALCOMMERCIALVALUATION O	F PROJECT: \$	
SITE ADDRESS 20 Rawhide Ridge		. O M
PROJECT OR BUSINESS NAME: THE Home & B	eth Vil	lley Slass
LEGAL DESCRIPTION:SECTION	RANGE	· TOWNSHIP
_OT 3 BLOCK 6 SUBDIVISION Gardn	or-Simmenta	\mathcal{Q} zoning
APPLICANT'S NAME John - Locati Arch	PHONE	7-1139
PROPERTY OWNER'S NAME Frank Armenecht		·
JENERAL CONTRACTION Steve & Frank Armic		
PLUMBERS NAME (if applicable)		
ELECTRICIAN'S NAME (if applicable)		
PROJECT DESCRIPTION: Retail Store		
NDICATE TYPE OF SEWER / WATER SERVICE PROPOSED FOR	SUBJECT PROJE	CT (if applicable):
CITY WATER / SEWER SERVICES O WELL / SEPTIC	O OTHER_	
completed by the applicant and approved by the appropriate authorities prior to building permit is accepted without a signature. Incorrect information provided in conjunction with this APPLIC accupancy permits	ATION may result in the	
IGNED	DAIE_	in paper F
FOR DEPARTMENTAL USE ONLY BE	LOW THIS LINE	
CITY-COUNTY PLANNING DEPARTMENT	Approved	() Disapproved
GALLATIN COUNTY PLANNING OFFICE	() Approved	() Disapproved
BOZEMAN FIRE DEPARTMENT	() Approved	() Disapproved
RURAL FIRE DEPARTMENT	() Approved	() Disapproved
WATER / SEWER DEPARTMENT	() Approved	() Disapproved
COUNTY ENVIRONMENTAL HEALTH DEPARTMENT • FOOD SERVICE	() Approved	() Disapproved
ENGINEERING DEPARTMENT	() Approved	() Disapproved
STREET / SANITATION DEPARTMENT	() Approved	() Disapproved
GALLATIN COUNTY ROAD OFFICE	() Approved	() Disapproved
MONTANA DEPARTMENT OF TRANSPORTATION	() Approved	() Disapproved
disapproved, what is required to remedy deficiency(ies)?		
PARMENTAL SIGNATURE	D/	ATE 21 Nov 97
IMPACT FEE COORDINATOR	() Approved	() Disapproved
THORIZED SIGNITURE	DA	TE 21 Way 9)

CIT OF BOZEMAN BUILDING DIV TON BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RESIDENTIALCOMMERCIALVALUATION OF	PROJECT: \$	
SITE ADDRESS 20 Rawhide Ridge	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	
PROJECT OR BUSINESS NAME: Int Home & Bo	oth fall	by Class
_EGAL DESCRIPTION:SECTION		•
OT 3 BLOCK 6 SUBDIVISION GARDINE		
APPLICANT'S NAME John - Locati Arch		
PROPERTY OWNER'S NAME Frank Armenecht		,
BENERAL CONTRACTION Steve & Frank Armka	•	
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PLUMBERS NAME (if applicable)		
ELECTRICIAN'S NAME (if applicable)		
PROJECT DESCRIPTION: Ketail Store		
NDICATE TYPE OF SEWER / WATER SERVICE PROPOSED FOR S	SUBJECT PROJEC	T (if applicable):
CITY WATER / SEWER SERVICES O WELL / SEPTIC	O OTHER	
to building or other structure shall be erected, moved, added to or structurally altered without value evelopment proposals which need building permits, pursuant to Section 18.62.030 of the Bompleted by the applicant and approved by the appropriate authorities prior to building permit is excepted without a signature. Incorrect information provided in conjunction with this APPLICA ecupancy permits	ozeman Municipal Code. suance. All blanks must be TION may result in the de	This APPLICATION form must be completed. Applications will not be
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FOR DEPARTMENTAL USE ONLY BEL	OW THIS LINE	
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GALLATIN COUNTY PLANNING OFFICE	() Approved	() Disapproved
BOZEMAN FIRE DEPARTMENT	() Approved	() Disapproved
RURAL FIRE DEPARTMENT	() Approved	() Disapproved
WATER / SEWER DEPARTMENT	() Approved	() Disapproved
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ENGINEERING DEPARTMENT	() Approved	() Disapproved
STREET / SANITATION DEPARTMENT	() Approved	() Disapproved
GALLATIN COUNTY ROAD OFFICE	() Approved	() Disapproved
MONTANA DEPARTMENT OF TRANSPORTATION	() Approved	() Disapproved
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IMPACT FEE COORDINATOR	() Approved	() Disapproved
JTHORIZED SIGNITURE	n A T	F

CIT OF BOZEMAN BUILDING DIV NON BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RESIDENTIALCOMMERCIAL VALUATION O	RELATVED F PROJECT: \$	HUV 2 U 1951
SITE ADDRESS 20 Rawhide Ridge	, , , , , , , , , , , , , , , , , , ,	
project or business name: Int. Home & B	ath.	
		- TOWNSHIP
LOT 3 BLOCK (a SUBDIVISION GARDA	on Simmoty)
SUBDIVISION CALCATE	or - ammerica	ZONING
APPLICANT'S NAME John - Locati Arch		•
PROPERTY OWNER'S NAME Evank Armenecht		
BENERAL CONTRACTION Seve & Frank Armk	recht PHONE	
PLUMBERS NAME (if applicable)		<u>-</u>
ELECTRICIAN'S NAME (if applicable)		
PROJECT DESCRIPTION: Retail Store		
NDICATE TYPE OF SEWER / WATER SERVICE PROPOSED FOR	SUBJECT PROJEC	T (if applicable):
CITY WATER / SEWER SERVICES O WELL / SEPTIC		, ,
evelopment proposals which need building permits, pursuant to Section 18.62.030 of the templeted by the applicant and approved by the appropriate authorities prior to building permit is accepted without a signature. Incorrect information provided in conjunction with this APPLIC, accupancy permits	ssuance. All blanks must b ATION may result in the d	e completed. Applications will not be
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GALLATIN COUNTY PLANNING OFFICE	() Approved	() Disapproved
BOZEMAN FIRE DEPARTMENT	() Approved	() Disapproved
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GALLATIN COUNTY ROAD OFFICE	() Approved	() Disapproved
MONTANA DEPARTMENT OF TRANSPORTATION	() Approved	() Disapproved
isapproved, what is required to remedy deficiency(ies)?		
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MPACT FEE COORDINATOR	() Approved	() Disapproved
THORIZED SIGNITURE	DAT	E

CIT OF BOZEMAN BUILDING DIV NON BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RECEIVED HOV 2 4 1997

THORIZED SIGNITURE	DAT	`E
IMPACT FEE COORDINATOR	() Approved	() Disapproved
EPARMENTAL SIGNATURE Priced	DA	TE (1/2//9)
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GALLATIN COUNTY ROAD OFFICE	() Approved	() Disapproved
STREET / SANITATION DEPARTMENT	() Approved	() Disapproved
ENGINEERING DEPARTMENT	Approved	Disapproved
COUNTY ENVIRONMENTAL HEALTH DEPARTMENT • FOOD SERVICE	() Approved	() Disapproved
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BOZEMAN FIRE DEPARTMENT	() Approved	() Disapproved
GALLATIN COUNTY PLANNING OFFICE	() Approved	() Disapproved
CITY-COUNTY PLANNING DEPARTMENT	() Approved	() Disapproved
FOR DEPARTMENTAL USE ONLY BEI	LOW THIS LINE	
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ccepted without a signature. Incorrect information provided in conjunction with this APPLIC, ccupancy permits	·	,
evelopment proposals which need building permits, pursuant to Section $\dot{1}$ 8.62.030 of the Eompleted by the applicant and approved by the appropriate authorities prior to building permit is	Bozeman Municipal Code. ssuance. All blanks must b	This APPLICATION form must be completed. Applications will not be
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NDICATE TYPE OF SEWER / WATER SERVICE PROPOSED FOR		CT (if applicable):
PROJECT DESCRIPTION: Ketail Stove		
ELECTRICIAN'S NAME (if applicable)		
PLUMBERS NAME (if applicable)		
BENERAL CONTRACTION Steve & Frank Armki		
PROPERTY OWNER'S NAME Frank Armenecht		
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APPLICANT'S NAME John - Locati Arch		
LOT 3 BLOCK (SUBDIVISION GARD N	na - Simmontal	ZONING
LEGAL DESCRIPTION:SECTION		j
PROJECT OR BUSINESS NAME: Int. Home & B	ath. Va	lley Class
SITE ADDRESS 20 Rawhide Ridge		
RESIDENTIALCOMMERCIALVALUATION O	F PROJECT: \$	

BUILDING PERMIT CITY OF BOZEMAN, BUILDING DIVISION

970637

Date Received 10/28/97

Date Issued // /// / 97

		Date	ricceived 10 /2			0	
Vame			Addr	ess 20 Rayi	hide K	idge Phone 58	7-11391
Owner \	Valley Glas	25					
Contractor							
Architect	Locati						
/		Alte	eration	Repair	Move	Demo	Remodel
Description	of work:						
Fo	undation	Only					
E	BUILDING				PLUME	BING	
					No.	Fixture Type	Fee
Valuation	\$,5	<i>50,0</i> 00	1.00		1	Water Closet	
*Permit Fee			Paid:			Lavatory	
*Plan Revie			Paid:			Bathtub	
Foundation		55,800 F	Paid: 25%	0/ 10/28/9	7	Shower	
*Investigation	on Fee \$		total	project	1 .	Kitchen Sink	
TOTAL	\$		Dan	cheft c	ost.	Utility Sink	
	st		Υ			Clothes Washer	
	nd					Dish Washer	
	asement					Floor Drain/Sink	
	arage					Bar Sink	1
Occupancy	Group B, F-2,5-	2, M				Sewer	
Occupant L		S	Stories &			Water Line	
Construction						Gas Line	
Legal Desci	· • · · · · · · · · · · · · · · · · · ·				ŀ	Water Heater	
Block				Permit			
	ubdivision						
Land Use Zone PLUMBING							
Lot Area					MECHA	NICAL TOTAL	
					, 		
ELECTRIC	AL				SIGN		
No			Fee		Sign Typ	e Sq. F	t. Height
<u>_</u>	Dwelling		1		1		
	Condominium		1		2		
1	Apartment or		1		3		
	Multi Family		! 		Valuation	ו \$	
	Townhouse		I		Permit F	ee \$	
l	Commercial		l		Tag		-
	Valuation	\$			Fee	\$ 5.00	
TOTAL		\$	Permit #		L TOTAL	\$	
The issuance	or granting of a permit or appra a permit for, or an approval of	NOTICE roval of plans, spec	ny of the provision	putations shall not be	co si th ev	an review expires in 180 d ommence within 180 days of gnificant improvements req is department must occur wery 180 days or this permi	of permit issuance and juiring an inspection by within a minimum of
Sign Code; Boz	inical, or Plumbing Codes; the eman-Municipal code; or of ar od understand this statement.	e National Electrical ny other ordinance of A	I Code; the City of of the City of Bozer	Bozeman Zone and man.	* C6	Section 2. Disclaimer. A b	uilding permit or d by the state or by a

Signature

Signature

Signature

Signature

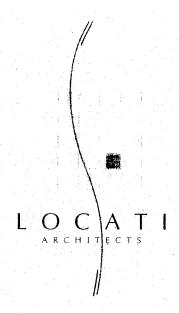
(Owner/Contractor)

(Mechanical)

(Electrician)

(Plumber)

* Section 2. Disclaimer. A building permit or certifiate of occupancy issued by the state or by a municipality or county must contain a statement that reads: "Compliance with the requirements of the state building code for physical accessibility to persons with disabilities does not necessarily guarantee compliance with the American with Disabilities Act of 1990, the Rehabilitaion Act of 1973, the Fair Housing Amendments Act of 1988, Title 49, chapter 2, commonly known as the Montana Human Rights Act, or other similar federal, state, or local laws that mandate accessibility to commercial construction or multifamily housing."



November 12, 1997

Bozeman City-Building Dept. 35 North Bozeman Av. P.O. Box 640 Bozeman, MT 59715

Re: Valley Glass & Windows

Calvin Doerksen,

In response to your review corrections/clarifications please note the following

Foundation:

Item #4.

See detail 1/A1.2 drop footing detail

Item #16.

Note new footings "G" and "H" (see footing schedule)

Item #17.

See attached details from Anderson Precast

Item #18.

See Sheet A1.2 for sizes and locations

General Structural

Item #7.

See last sheet of structural calculations

Item #9.

See details 3/A1 1 and 6/A1.1 for bond beam info.

If you have any questions please call. Thank you for your time and effort in working with us to make the foundation application review process go smoothly.

Sincerely,

Locati Architects

Frank & Steve Armknecht, File CC:



Plan Check #200110 YELLOWSTONE CENTER I

Occupancy: Type of Const	B t.: V~N	Occupant Load: 80 Sprinklered: YES
Sheet:	Item Correction:	ZZ, 800 TOTAL S.F. FOR 4 BLOGG. ALLOWED ZA,000 S.F. FOR 4 BLOGG THAT ARE SPRINKLERED.
General Syp	rovide an Energy Audit on thi	s building per the State Model Energy Code.
& p	provide a complete mechanical	layout plan.
Engr's. Calc's	The wind design is to be expos	ure 'C' not exposure 'B'.
C1.0 Se	xterior wall & opening protect & III bldg's, in relation to Pha	tion ratings are to comply with UBC Table 5A at Phase se II bldg.
A1.1	lote that all sill plate washers	are to be 2"x2"x 3/16" thick per UBC 1806.6.1 (2).
A2.0/4.0 & V	Vindows 'F', 'J','K' & 'L' are to l	be tempered per UBC 2406.4 (6).
A4.0 🕳 A	Il glazing in the doors are to b	pe tempered per UBC 2406.4 (2).
	dentify all roof beams on the part designations.	lans so that they correspond with the Engr's. Calc's.
A5.1 🕳 Ir	idicate the size of the roof dra	ins & overflows to comply with UPC 1101.11.
A5.3 P	rovide awning details and eng	ineering design at connection to tie rods.
A9.0/E2.1 Pr	covide an exit light at door #2	4 in corridor #129 also at door #1 at corridor #127.
P1.0 8/In	ndicate all water & waste/vent	line sizes.
Checked by		Rechecked and Approved by
Cel		
Date		Date 4-13-00

Home of Montana State University Gateway to Yellowstone National Park Address: 1123 Research D

Permit #: 200110

MECHANICAL FEE SCHEDULE

Description of Work:	Fee:	<u>Units:</u>	Subtotal:
Mechanical Permit Fee	15.00		s 15 -
Supplemental Permit Fee	4.50	- Annie Carlotte Car	\$
Furnace/Boiler up to & including 100,000 BTU	9.00		\$
Furnace over 100,000 BTU	11.00		S
Vent (when not included in appliance permit)	4.50	Market Difference in which the	\$
Repair	9.0 0	- Marie Arman Arman	\$
AC up to 3 tons	9.0 0	-	\$
Boiler over 100,000 to 500,000 BTU, AC over 3 to 15 tons	16.50	2	5_33-
Boiler over 500,000 to 1,000,000 BTU, AC 15 to 30 tons	22.50	and the second second	\$
Boiler over 1,000,000 to 1,750,000 BTU, AC 30 to 50 tons	33.50	-	S
Boiler over 1,750,000 BTU, AC over 50 tons	56.00	age and a second second	\$
Air Handler up to an dincluding 10,000 cfm	6.50		S
Air handler over 10,000 cfm	11.00	***	\$
Swamp Cooler	6.50	week and the second second	\$
Ventilation Fan connected to single duct	4.50	2	<u>s </u>
Ventilation System	6.50	***************************************	S
Exhause Hood (mechanical exhaust)	6.50		S
Domestic Incinerator	11.00		s
Commercial Incinerator	45.00	- Company of the Comp	S
		Total Fees:	s <u>57-</u>

LARRY PEARSON A.I.A.



CITY OF BOZEMAN BUILDING DIVISION, 34 NORTH ROUSE P.O. BOX 640 BOZEMAN, MT 59771-0640

WE ARE RESPONDING TO PLAN CHECK #200110 OF THE YELLOWSTONE CENTER. THE PLAN CHECK ITEMS HAVE BEEN ADDRESSED AS FOLLOWS:

ITEM#	RESPONSE
1	SEE ATTACHED
2	SEE ATTACHED SK2
3	SEE ATTACHED
4	SEE CLOUDED NOTE ON C1.0
5	WE WILL COMPLY, SEE SHEET A1.1
6	WE WILL COMPLY, SEE SHEET A4.0
7	WE WILL COMPLY, SEE SHEET A4.0
8	WE WILL COMPLY, SEE SHEET A5.0
9	WE WILL COMPLY AT A LATER DATE, ROOF CONTRACTOR WILL
	PROVIDE DESIGN CALCULATIONS AS REQUIRED
10	WE WILL COMPLY, CALCULATIONS WILL BE PROVIDED BY
	ENGINEER AT LATER DATE
11	WE WILL COMPLY, SEE SHEETS A9.0 & E 2.1
12	WE WILL COMPLY, LOCATIONS TO BE COORDINATED BY
	PLUMBING CONTRACTOR.
13	LADDER ATTACHED TO EQUIPMENT ROOM 126 WALL FOR
	MECHANICAL SPACE ABOVE

CAL, IF YOU HAVE ANY QUESTIONS PLEASE CALL.

JOHN SINRUD

PROJECT MANAGER

\\Lp450\d\dwg\9922-yellowstone center\wp\letter to city building dept. 3-17-00.doc

611 North Wallace, Bozeman, MT 59715 (406) 587.1997 Fax (406) 587.0311

P.O. Box 2320, Bigfork, MT 59911 (406) 837.0201 Fax (406) 837.0407

LARRY PEARSON A.I.A.



CITY OF BOZEMAN BUILDING DIVISION, 34 NORTH ROUSE P.O. BOX 640 BOZEMAN, MT 59771-0640

WE ARE RESUBMITTING TO PLAN CHECK #200110 OF THE YELLOWSTONE CENTER. THE FOLLOWING PLAN CHECK ITEMS HAVE BEEN ADDRESSED AS FOLLOWS:

IТЕМ #	RESPONSE
1	THE LIGHTING PLAN WATTAGE HAS BEEN REVISED. PLEASE SEE
	ATTACHED LIGHTING COMPLIANCE CERTIFICATE AND SHEET
	A9.0
2	SEE A9.0 & SKZ FOR MECHANICAL LAYOUT.
9	SEE A5.1 FOR DRAIN SIZES.
10	BRIDGER ENGINEERS WILL SUPPLY DOCUMENTS.
12	SEE CLOUDED AREAS ON P1.0. ALL SIZES ARE NOTED.

CAL, IF YOU HAVE ANY QUESTIONS PLEASE CALL.

JOHN SINRUD

PROJECT MANAGER

\Lp450\D\dwg\9922-yellowstone center\wp\letter to city building dept. 4-3-00.doc

611 North Wallace, Bozeman, MT 59715 (406) 587.1997 Fax (406) 587.0311

P.O. Box 2320, Bigfork, MT 59911 (406) 837.0201 Fax (406) 837.0407

1st fir. 18, 47. / 1,546 2mg fir.



34 North R Bozemar Phone: (406) 582YERM BOZEMAN

Plan Corrections (per 2000 IBC)

Date: 6/17/03

Permit Number: 1791

Applicant: Ron Schmidt

Address: 333 Simmental Lane

Square Footage: ?

Building Type: V-B?

Occupancy: B – Offices/S-1 – Commercial Garage

m-mercantile

Valuation: \$125,000.00

Plans Reviewer: Neil Poulsen (npoulsen@bozeman.net)

General & Common Area Requirements

HP N2

Detail nonabsorbent wall and floor surface surfaces in water closet areas per IBC 1209.

Detail required door hardware or signage exception per IBC 1003.3.1.8 ("This Door to Remain Unlocked During Business Hours" – at main front door).

Detail wiring methods per NEC 2002 Article 334.12(A) (1) above suspended ceilings (no NM cable).

(4.7)

Detail location of emergency lighting and exit signage systems per IBC 1003.2.10 & 1003.2.11 including common area hallways.

NS

Provide engineering cut sheet from material supplier or Montana Registered Engineers design for glu-lam beams at entry.

_

Detail connection of roof to wall on new entry.

8

Detail square footage for entire building so we can review building for construction type and allowable area.

Detail Required PSW wall existing.



Detail fire rated doors between parts department and showroom and parts department and repair garage.



Are rated roll-up doors to remain? Is rated wall an area separation wall or an occupancy separation wall?



What is being done with the second floor area? Provide copy of 2nd floor plans for review.



Positive pressure ventilation is required for the service write-up area that opens into the service area [National Electrical Code 511.3 (B) (4)].



Show the entrance and location of proposed mezzanine.



City of Brice plane Building Edigistan

Asternos, Picil Brusen A North Rouse Brosserunt Var 1957/12/23

etrenaen (gregien comegnicoerietalene) en companiere repriremente do pelon

A 1 tiligin tomatsambent wall (henot requires as per (18) (1904/2). Carrett burg: 11.2 (hallet rootnes dan ane neligessekaltije ite dae public and

l as comen de la lacte de la comencia.

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Hant yan en you see and it have me any chieft a fairs being of our will



ClyoneBezemba Bundinga ing sam Biozeman i Att N977,2 (1923)

Jane 24: 200:

Died Haeit

Noted below are the revisions that were discussed on site Monday Tune 23: 2003 covariable leads biological percent (\$75).

Rein#1 Merchical works and

No thiese said to be raise one muritable to completed for compliance.

- Statesati, nase 2 stats, new rathin be added on east wall
- Chairs to be insclosed and rand one hour. 575 type "X" you do
- Windows in tell at their fleer, to be terroved and replaced with SALISBE PART terro in the SALISBE PART to be reted 20 min., otherway decreased trainers to be replaced.

- 5. Door on vers said of half to have smoke gasks; installed 6: Dintent door does in a second level cast end of half to be
- Stappings, misselsor sential level southeast stair and room, thus removing the single new into the room.
- 8: Charge to be added to applicate half stem provide south office.

lter#9 NGMANA SEAT AS WEST PAGE SOME LY WITH THE ROLL OF THE

, i filon file de des idheiriro gani file de sinc

iem#3 Separation between Group of and Group S. is not required (1/B): 1997

1972 & exception (b) when explain this large is in der 1, 1990 sent. Ather,

recallentative. The ones and convoluing the stairs from the original continuations the neutrinal square consequence.

collections the question square comage as 954 ago. Therefore the common of the general ways and the common of the

Item#4 Regarding the resider in the repair edge: Clairfication will Team Bozerian

icentified that there will be a welder and outler in this area. We will

Control with the responder of signation of "Is" and provide area separations of operations because the second and second of the second of the

Dust's you for your time and it there are any plantifications needed please call.

ACINIA GOOT THEIR WHALES FARE DEER



CITY OF BOZEMAN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Street address: Alfred M. Stiff Professional Building

20 East Olive Street

Mailing address: P.O. Box 1230 Bozeman, Montana 59771-1230

Phone: (406) 582-2260 Fax: (406) 582-2263

E-mail: planning@bozeman.net
World wide web: www.bozeman.net

May 19, 2003

Diane Stewart 8302 Starling Drive Bozeman, MT 59718

Re: Team Bozeman Reuse/COA #R-03011 for the reuse of an existing building for Team Bozeman, a motor sport vehicle dealership and repair facility with a 310 square foot addition, located at 2595 Simmental Way.

Dear Ms. Stewart:

On May 16, 2003, the Final Site Plan for the planned improvements for property located at 2595 Simmental Way was approved and signed by the Director of Planning & Community Development. One copy of the approved and signed site plan have been forwarded to the Building Department to attach to your building permit application. Enclosed you will find the Certificate of Appropriateness and the pink Certificate of Appropriateness Notice. The pink notice must be posted on site for the duration of your construction activity. Please be aware that **COA approval is valid for one calendar year.** No modifications to the approved plans can be made without prior written approval from the Planning Office.

If you have any questions, or if we can be of further assistance, please do not hesitate to contact our office at 582-2260. Thank you for your participation in the development review process, and good luck with your project!

Sincerely,

Jami Morris

Assistant Planner

im/JM

cc: Cliff Gullett, 403 N. 7th Ave, Bozeman, MT 59715 John Sinrud, 284 Frontier Dr., Bozeman, MT 59718



CITY OF BOZEMAN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Street address: Alfred M. Stiff Professional Building

20 East Olive Street

Mailing address: P.O. Box 1230 Bozeman, Montana 59771-1230

Phone: (406) 582-2260 Fax: (406) 582-2263

E-mail: planning@bozeman.net World wide web: www.bozeman.net

MEMORANDUM

TO:

Neil Poulsen, Chief Building Official

FROM:

Jami Morris, Assistant Planner

RE:

Team Bozeman Reuse/COA, 2595 Simmental Way,

#R-0311 APPROVED FINAL SITE PLAN

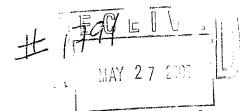
DATE:

May 19, 2003

Attached you will find one signed and approved Final Site Plan for your records. Please route one copy of the building permit application to the Planning Department for impact fee assessment at the time application is made. Thank you.

JM/jm





CITY OF BOZEMAN BUILDING DIVISIONE PLANN IG BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RESIDENTIAL COMMERCIAL SQUARE FO	OTAGE 13.05	valuation \$ 125,000
SILE ADDRESS: 3006 IMMENTA/ 20	NEARI U ALI	EST CROSS STREET
PROJECT OR BUSINESS NAME: Topm Bore	MAA	EMAIL
LEGAL DESCRIPTION:	SECTION	RANGETOWNSHIP
LOT 3 BLOCK 5 SUBDIVISION	GACGNEC SIM	mental Plz. ZONING
APPLICANT'S NAME John SINCHO		PHONE 406 388 6973
PROPERTY OWNER'S NAME/ADDRESS DIANE	STEWALT	PHONE 586-4000
CITYBORMAN	STATE MT	ZIP CODE 59718
(BUSINESS LICENSE NAME) GENERAL CONTRACTOR ROY School		E64 155
GENERAL CONTRACTOR KON Schmr	<i>T</i>	PHONE 586-655C
PLUMBER'S NAME		PHONE
ELECTRICIAN'S NAME		PHONE
MECHANICAL CONTRACTOR'S NAME		PHONE
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CITY OF BOZEMAN BUILDING DIVISION BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT **PROPOSALS**

RECENAL

RESIDENTIAL_COMMERCIAL SQUARE	FOOTAGE 13 ∂59	_VALUATION \$ 125,000
SITE ADDRESS: 3335 SIMMENTAL 1	NEADEST	CROSS STREET
I RUSECT OR BUSINESS NAME: Toom Do	Zeman E	EMAIL
LEGAL DESCRIPTION:	SECTION R	ANGE TOWNSHIP
LOT 3 BLOCK 5 SUBDIVISION	ON GACANEC SIMME	WIDLAL ZONING
A TOTAL A CONTRACT OF THE PARTY		
APPLICANT'S NAME John Sincyd		PHONE406 388 697
PROPERTY OWNERS NAME A PROPERTY		
PROPERTY OWNER'S NAME/ADDRESS DIAL	16 STEWACT	PHONE <u>586 - 4000</u>
CITYBOZEMAN		
(BUSINESS LICENSE NAME)	STATE MT	ZIP CODE <u>597/8</u>
GENERAL CONTRACTOR RON SChin		PHONE 586-6550
JEN N	177	PHONE_100_69.20
PLUMBER'S NAME		DIIONE
		PHONE
ELECTRICIAN'S NAME		PHONE
		THORE
MECHANICAL CONTRACTOR'S NAME		PHONE
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		junction with this APPLICATION may
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CITY OF BOZEMAN BUILDING DIVISION BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RESIDENTIAL COMMERCIAL SQUARE SITE ADDRESS: 333 SIMMENTAL L	FOOTAGE 13.059	_valuation \$ 125,000
PROJECT OR BUSINESS NAME: TEAM BO	ANE NEARES	T CROSS STREET
LEGAL DESCRIPTION:	28MAA	EMAIL
	SECTION	RANGE TOWNSHIP
TCALT	ON GARdner simm	PHTALPLZ. ZUNING
APPLICANT'S NAME JOHN SINCY &		PHONE 406 388 6973
PROPERTY OWNER'S NAME/ADDRESS DIAN	15 STEWACT	PHONE 536-4000
CITY BOZEMAN (BUSINESS LICENSE NAME)	STATE MT	ZIP CODES 57/8
GENERAL CONTRACTOR Ron Schm	UT	PHONE 586-6550
PLUMBER'S NAME		PHONE
ELECTRICIAN'S NAME		PHONE
MECHANICAL CONTRACTOR'S NAME		PHONE
PROJECT DESCRIPTION ENTRY Add,	Tinil & Interior	
INDICATE TYPE OF SEWER / WATER SERVIC	E PROPOSED FOR SUR	HECT PROJECT (if applicable)
> LITY WATER / SEWER SERVICES WELL	/ SEPTIC - COTHE	D
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The annual section and approved by the annual	mate authorities prior to building	
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AUTHORIZED SIGNATURE		DATE
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CITY OF BOZEMAN BUILDING DIVISION BUILDING PERMIT APPLICATION FOR REVIEW OF DEVELOPMENT PROPOSALS

RESIDENTIAL_COMMERCIAL SQUARE FOR	OTAGE 13.05	7_valuation s 25,000
SITE ADDRESS: 3335 Simmental 1 a	NEADE	ST CROSS STREET
PROJECT OR BUSINESS NAME: TPAM POZP	MAA	EMAIL
LEGAL DESCRIPTION:	SECTION	RANGETOWNSHIP
LOT 3 BLOCK 5 SUBDIVISION	SACdner simi	nedto (PCz. ZONING
APPLICANT'S NAME John Singud		PHONE4063886973
PROPERTY OWNER'S NAME/ADDRESS DIANS		DYYONYE CHA A A A A
THOTER'S WANTE ADDRESS DIANE	STEWALT	PHONE <u>586-400</u>
CITYBOZEMAN	STATE MT	_ZIP CODE <u>591/8</u>
(BUSINESS LICENSE NAME)		
GENERAL CONTRACTOR PON Schmir	T	PHONE 586-6550
•		
PLUMBER'S NAME		PHONE
ELECTRICIAN'S NAME		PHONE:
DEET INCIAN S NAME		PHONE
MECHANICAL CONTRACTOR'S NAME	•	PHONE
PROJECT DESCRIPTION ENTRY Add TI	ON & INTER	or Remodel
INDICATE TYPE OF SEWER / WATER SERVICE P.	ROPOSED FOR SU	BJECT PROJECT (if applicable):
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result in the delay or revocation of building and/or occupancy permits.		
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BUILDING PERMIT

City of Bozeman Building Division PO Box 1230 Bozeman, MT 59771 (406) 582-2375

Application Number Property Address Geocode Number .		333 SIMMENT	B FAL WAY	Date	5/22/03
Application descr Subdivision Name	iption	DEMOLITION			
Property Zoning . Application valua	tion	0			
Property owner . Owner address		DIANE STEWA	ART		
 Contractor		(406) 586-4 SCHMIT CONS	000 TRUCTION, IN	īC	
Permit Additional desc .					
 Permit Fee Issue Date	20.00	Pl Va	an Check Fee luation	• • •	.00
Special Notes and demo south entry t	Comments to building	~			 - <u></u>
Fee summary	Charged	Paid	Credited	Due	
Permit Fee Total Plan Check Total Grand Total	.00	20.00			.00

read and understand this statement.	s and computations shall not be construed to be a permt for, or an approval of, any ng Codes; the National Electrical code; or the City of Bozeman Zone code. I have
Signature Signature (Owner/Contractor) Signature	
Signature(Mechanical)	Signature(Plumber)





Property Address:	333 SIMMEN	ITAL LANE	BOREMAN.
Legal Description:	Lot:B	lock:	Subdivision:
Property Owner's N	lame: DIANE STEC	Phone	# 586-460
			# <u>586-6550</u>
Project Description_	AddING SOU	th Entry To	building
Location/Method of	Disposal ONSITE D	UM PSTEC / LAN	dFil-
Cost of Demolition:	\$ 20,000	Applicant Signature	JEIL- JKG JASSOC. INC. 539 9650 Official may issue a permit for the
construction of part of or structure have been been filed complying without assurance the All dumping and disp	of a building or structure before on submitted or approved, progression with all pertinent requirement that the permit for the entire but out the permit for the entire but out out out out out out out o	ore the entire plans and sp vided adequate information its of this code. The holde, ilding or structure will be	ecifications for the whole building n and detailed statements have cof a partial permit shall proceed
A surety Bond of \$2,0 manner.	000.00 must be provided to th	e City to ensure all work i	s completed in a proper and safe
Permit Fee \$ 20.00 Approved By:			
Planning Department	auris	Date: $\frac{5/12}{C}$	3
Building Department		Date:	·
Water Department		Date:	

SHIPPED MAY 15 2000



DEMOLITION PERMIT

Property Address:	333 SIMMEN	ITAL LAN	5 BOZEMA,	1.
Legal Description:	Lot:BI	ock:	Subdivision:	Antony de Control de C
Property Owner's N	ame: DIANE STEW	Pho Ph	one# 586-4a	00
General Contractor_	Ron Schmit	Ph	one# <u>586-65</u>	50
	AddING Sout	·	_	
Location/Method of	Disposal ONSITE D A 20,000 e 1994 Uniform Building Code	umpster / L.	and FIC-	
Cost of Demolition:	\$ 20,000	Applicant Signatur	re John St	ii ()
or struction of part of or structure have been been filed complying without assurance the All dumping and disp	e 1994 Uniform Building Code of a building or structure before submitted or approved, proving the all pertinent requirement at the permit for the entire build bosal shall be in strict conformation and County regulations.	re the entire plans an vided adequate inform is of this code. The ho lding or structure will	d specifications for the wa ation and detailed statem older of a partial permit s t be granted".	hole building nents have shall proceed
A surety Bond of \$2,0 manner.	000.00 must be provided to the	e City to ensure all wo	ork is completed in a prop	per and safe
Permit Fee \$ 20.00 Approved By:				
Planning Department		Date:		
Building Department		Date:		-
Z. Ray /L.J./L Water Department		Date: 5/14/e	>3	-



DEMOLITION PERMIT

Property Address:	333 SIR	nmentsc 1	LANE	Borema	<u>n.</u>	
		Block:				
		STEWATT				
General Contractor	Ron Schr	NIT	Phone #	586-65	50	
Project Description_	AddING	South En	TCY TO	building]	
Location/Method of	Disposal ON S77	TE DUMPSTE Applicant	C/LAND.	FIC-		Λ.
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Permit Fee \$ 20.00 Approved By:						
Planning Department		Date:				
Building Department		Date:	5-19	-03	-	
Water Department		Date:				

LARRY PEARSON A.I.A.



MONTANA.
ALE WORKS.

DECEMBER 21, 1999

BUILDING DIVISION CITY OF BOZEMAN 34 NORTH ROUSE AVE PO BOX 640 BOZEMAN, MT 59715

DEAR CALVIN.

IN RESPONSE TO YOUR COMMENTS REGARDING THE INTERIOR BUILDING PERMIT, PLEASE NOTE THE FOLLOWING.

- 1. PLEASE SEE THE ATTACHED LETTER FROM C & H ENGINEERING REGARDING THE STRUCTURAL TREATMENT OF THE EAST AND WEST WALLS. WE WILL BE PUTTING A 2X6-FRAME WALL WITH ½ CDX PLYWOOD AT THESE LOCATIONS.
- 2. THE STRUCTURAL REVIEW OF THE PIERS AND THE TRUSS ATTACHMENT ARE COVERED IN THE ATTACHED SKETCHES FROM C & H ENGINEERING (SK5 & SK6).
- 3. THERE IS ALSO A DAMAGED TRUSS THAT WILL NEED TO BE REPAIR SEE SK7 FOR REPAIR SKETCH.

IF YOU HAVE ANY QUESTIONS PLEASE CALL.

1/10/1

SINCERE

JOHN SINRUD PROJECT MANAGER

C&H ENGINEERING AND SURVEYING, INC.

2415 West Main Street, Suite 1 • Bozeman, Montana 59718 Phone (406) 587-1115 • Fax (406) 587-9768 E-Mail: c&hengineering@theglobal.net

December 3, 1999

Larry Pearson, A.I.A. Attn: John Sinrud 611 North Wallace Avenue Bozeman, MT 59715

RE: The Market Place; Bozeman, MT (99274)

Dear John,

On Tuesday, November 30, 1999, a site visit was made to the above referenced project to review the structural integrity of the building. The building was built at the turn of the century with several additions and remodels done over the years.

The building consists of a concrete foundation with a floor slab, masonry walls and a wood roof structure. The roof consists of trusses at 20 feet on center with 3" x 10"'s spanning between the trusses and a wood roof deck. Overall the building appears to be in good condition and its structural integrity is not compromised based on the original design. There are however three items which should be addressed in order to improve the structural integrity of the existing building.

The first area of concern is the east wall of the building. The existing header in the wall appears to be failing and repair is recommended. Enclosed on SK-1 and SK-2 are two options for repairing this header. Once the repair is complete it is recommended that all cracked mortar and brick be repaired.

The next area of concern is the attachment of the roof trusses to the masonry pilasters on the south side of the building. There is no way of telling if these trusses are positively connected to the walls. A detail is enclosed on SK-3 for this connection.

The final area of concern is the north wall connection from the roof to the existing masonry wall. Currently there is a framed wall with 1" x 4"'s attached to it. This is not an adequate detail for transferring shear loads from the roof to the wall. It is recommended that 1/2" CDX plywood be added to this wall on the inside of the building in order to increase the shear transfer from the roof to the wall. A detail is enclosed on SK-4 for this condition.

It is recommended that these items be completed in order to improve the structural integrity of the existing building. Also, C&H Engineering and Surveying, Inc. will be involved with the construction of this project and we will let you know of any items which may need to be addressed. Please call if you have any questions. Thank you.

Sincerely.

Per M. Hjalmarsson, P.E.

Enc.

99274/office/structural

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November23, 1999

Building Department City of Bozeman 34 North Rouse Avenue P.O. Box 640 Bozeman, MT 59771-0640

Attn: Calvin

Re: "The Marketplace" plans check No. 972732

Dear Cal.

Below please find our response to your questions in plan review letter. Some of these items shall be the responsibility of Larry Pearson's office working on behalf of the building owner Mike Delany per lease agreement. Langlas & Associates, Inc shall address some of the items.

- Occupancy is type A-3 assembly. Construction type is V-N non rated. The building will be sprinklered.
- 2. This item will be addressed by Larry Pearson's office.
- 3. Langlas & Associates, Inc. will submit sprinkler drawings.
- A: Langlas & Associates, Inc. will submit electrical drawings, which should address exit lights.
- 5. This item will be addressed by Larry Pearson's office.
- 6. Langlas & Associates, Inc. shall submit plumbing, mechanical and electrical drawings.
- → Window "A" next to door No. 15 shall receive tempered glass. Please review to note on drawing A2.1
- 8. Windows "A" & "C" are actually slightly more than 18" above the floor and as such do not need to be tempered.
- The table previously shown blocking the outdoor dining stairs has been removed. Please refer to drawing A2.2.
- 10. Window "D" next to door #21 shall receive tempered glass. The storefront next to door No. 23 has been deleted. Please refer to drawing A2.2.
- 11. Existing sliding doors No. 13 & 26 shall be fixed in the open position. Please refer to drawings No. A8.2 & A8.3.
- 12. Stairway No. 025 shall have a landing of 48". Please refer to drawing A2.3.
- 13. The Glu-Lam beams have been sized. Please refer to drawing A5.0.
- 14. The joist hangers have been noted. Please refer to drawing A5.0.

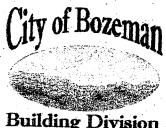
- 15. The mechanical equipment will not be located on the top of the keg cooler / toilet rooms as previously planned. We have deleted the ladder.
- 16. The ladder is no longer on the plans. Please refer to drawing A6.0 & A8.2.
- 17. The Men's & Women's room walls have been revised to a smooth surface. Please refer to drawings A4.0 & A6.1.
- 18. At the area over gaming, I do not believe that a guardrail is required, and I would like to discuss this with you at your convenience. We have held the walls back from the truss to allow for a ductwork chase. This area is not accessible. It is by definition not a balcony, porch, landing or ramp.
- 19. The suspended ceiling will meet lateral design requirements. Please refer to note on drawing A4.0. A6. Z
- 20. I will address the remaining issue separately from this submittal.

Please review these responses and let me know if you have any questions or concerns.

Thank You,

Bob Gilbert

Locati Architects



Plan Check #972744

MARKETPLACE

Building Division

Occupant Load: Sprinklered:

Occupancy: Type of Const.:

Sheet: **Item Correction:**

General Jef. - Provide Engr's. Calc's. (wind load) for entry sign.

DEF. - Provide Engr's. Calc's. for support & anchoring of the water tower.

Provide Engr's. Calc's. to show that unreinforced masonry wall will support the metal A4.0 awning.

DEF- Submit manufacturers truss calc's. for trusses over entry vestibule.

Indicate method of attaching wood trusses to tube steel top plate.

A4.1 Stair plan #6&7; Landings serving an occupant load of 50 or more, doors in any position shall not reduce the landing dimension to less than 1/2 its required width per UBC 1003.3.1.7.

Stair plan #7 & Detail #3; The maximum ramp slope is 1 unit vertical in 8 units horizontal per UBC 1003.3.4.3.

A4.2 Provide Engr's. Calc's. to show that unreinforced masonry wall will support the metal roof and framing.

Provide Engr's. Calc's. for W16x89 steel beam.

DEF. - Detail method of attaching rail car wheels to W16x89 steel beam & rail road rail & rail road ties.

Provide Engr's. Calc's. to show that unreinforced masonry wall will support the metal A4.3roof and floor framing.

Checked by	Rechecked by
Cel	_ Cel
Date_11-2-99	Date_ 11-23-99

Home of Montana State University Gateway to Yellowstone National Park

LARRY PEARSON A.I.A.



EXT

NOVEMBER 15, 1999

BUILDING DIVISION CITY OF BOZEMAN 34 NORTH ROUSE AVE PO BOX 640 BOZEMAN, MT 59715

DEAR CALVIN,

IN RESPONSE TO YOUR COMMENTS DATED 11-2-99, PLEASE NOTE THE FOLLOWING.

ITEM #	RESPONSE
1.	SEE ATTACHED CALCULATIONS & SHEET A4.3 AND SHEET A4.4
2.	DEFERRED SUBMITTAL WILL BE FILED.
3.	SEE ATTACHED CALCULATIONS.
4.	WILL BE PROVIDED TO CITY INSPECTOR WHEN
	TRUSSES ARE ORDERED.
5.	SEE SHEET A4.0.
6.	SEE SKETCH SK3 AND SK4.
7.	SEE SKETCH SK3.
8.	CALCULATIONS WILL BE PROVIDED ONCE
	RAILROAD CAR HAS BEEN PURCHASED.
	CONTRACTOR TO NOTIFY BUILDING INSPECTOR
	WHEN CAR IS BROUGHT ON SITE PRIOR TO
_	INSTALLATION.
9.	SAME AS #8
10.	SAME AS #8
11.	SEE ATTACHED CALCULATIONS.

PLEASE SEE SHEET A2.0 FOR SEATING ARRANGEMENT.

STAIRS AT RAILROAD CAR TO BE WELDED TO CAR.

FLOOR LEVEL BETWEEN EXISTING FLOOR AND RAILROAD CAR TO BE EQUAL WITH 1/4"X18"XOPENING STEEL PLATE ATTACHED TO EXISTING BUILDING FLOOR.

THE RAILROAD CAR WHEELS WILL BE WELDED SOLID TO THE METAL TRACK.

IF YOU HAVE ANY OTHER QUESTIONS OR CONCERNS, PLEASE GIVE ME A CALL.

SINCERELY

JOHN SINRUD PROJECT MANAGER

Projects where JJKG is the designer: 10 Total

01-0156 Montana Mountain Inn B&B Remodel

Designer on Application: John Sinrud Bureau request Design Professional: No

01-0186 Montana Stone and Tile

Designer on Application: JJKG

Bureau request Design Professional: Yes - Structural plans stamped by Eng.

02-0920 Duffy Office

Designer on Application: None – plans submitted by JJKG – Randy Visser

Bureau request Design Professional: No

03-0826 Antique Mall – West Addition

Designer on Application: JJKG - Randy Visser

Bureau request Design Professional: No

03-0827 Antique Mall – East Addition

Designer on Application: JJKG – Randy Visser

Bureau request Design Professional: No

04-0017 Heritage Christian School

Designer on Application: JJKG - Randy Visser

Bureau request Design Professional: No

04-0400 Seventh Day Adventist Office

Designer on Application: JJKG - Randy Visser

Bureau request Design Professional: No

05-0876 Walker Commercial Development

Designer on Application: JJKG

Bureau request Design Professional: Yes - Structural plans stamped by Eng.

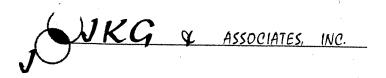
06-0643 YC Office Remodel

Designer on Application: JJKG

Bureau request Design Professional: No

06-1025 Hayden Truck Addition

Designer on Application: JJKG Bureau request Design Professional: No



DEPT. OF LABOR & INDUSTRY
BUILDING CODES BUILDING

To:	Sta	te of Montana, Build	ing Codes Rureau	Attn:	Dam.: 179	SOUNDING CODE
			ing Codes Bureau	Aur.	Bernie Fi	sner
From:	Kar	ndy Vi' ser		Date:	5/12/2004	
Re:	Sev	enth Day Adventist (#04-0400)	Included:	(2) Dwg. S	Sets, App., Check
CC:						
□ Urge	nt	☐ For Review	☐ Please Comment	☐ Plea	ase Reply	□ To File

Bernie,

Attached are two sets of drawings for the Seventh Day Adventist Office Building located in Bear Canyon, just outside of Bozeman. If you have any questions, please call me.

Thank You,

Randy Visser

Arthur V. Wittich
Admitted MT & CO

Frederick P. Landers, Jr.
Admitted MT & GA

Margot E. Barg
Admitted MT, CA & AR

Hertha L. Lund



602 Ferguson Ave., Suite 5 Bozeman, Montana 59718

> Phone: (406) 585-5598 Fax: (406) 585-2811 wlf@law-advisor.com

August 29, 2007

DELIVERED VIA MAIL

Mr. Bruce Duenkler Investigator Business Standards Division Department of Labor and Industry 301 S. Park Helena, MT 59620

Re: John M. Sinrud

Dear Mr. Duenkler:

Thank you for the telephone call this morning. As you requested, I am providing a written response to your investigation of the Board of Architects complaint against John Sinrud. Mr. Sinrud continues to maintain that there is no basis for an enforcement action by the Board of Architects against his business practices.

Clearly this complaint was inspired from Mr. Sinrud's activities as a member of the State House of Representatives. The sum total of your evidence against Mr. Sinrud engaging in the "practice of architecture" is the description of his business from the Copper Book prepared by lobbyists to be used during the Legislative session, as well as a newspaper article concerning Mr. Sinrud's legislative activities on the State budget. In addition, the complaint may be the result of his opposition to House Bill 640, which would have greatly expanded the definition of "public building" in current law as it related to the necessity to hire a licensed architect.

As for Mr. Sinrud's and JJKG, Inc.'s past references to "architectural design" services, under your interpretation of MCA § 37-65-301, any business in the state would be prohibited from using "architectural" in their business name, including architectural audio services, architectural lighting services, architectural illustrators, architectural supply, etc. These businesses clearly include "words, letters, figures, or other device" which under your definition would require them to obtain a license from the Board. Clearly this is not what is intended in the Code, nor should it be selectively enforced against my client.

It appears that, as it concerns Mr. Sinrud, the Board of Architects desires that all plans submitted to a city or state building code agency by a designer, draftsman, or anyone else, be stamped by a licensed architect. While this may be desired from a protectionist standpoint, it simply does not reflect current

law. If the Board desires such a requirement, I encourage them to work through the legislative process to change the law, as well as the definition of "practice of architecture" found in MCA § 37-65-102. If the Board continues with this investigation and issues a Cease and Desist Order to my client, I assume that it will be issuing similar orders to every other person engaging in design or drafting services, or any business with the root word "architecture" in its business name. If such a broad enforcement action is not undertaken, I can only conclude that the selective enforcement against my client is politically inspired, and will be defended accordingly.

Sincerely,

Arthur V. Wittich

attactud

AVW/sj

cc: Client